

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ONSTREAM MEDIA CORPORATION,

Plaintiff,

v.

POLYCOM, INC.,

Defendant.

Case No.: 6:20-cv-00743

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Onstream Media Corporation (“Onstream”) files this Complaint against Polycom, Inc. (“Polycom”) for patent infringement of United States Patent Nos. 9,161,068; 9,467,728; 10,038,930; 10,200,648, 10,674,109, and 10,694,142 (the “patents-in-suit”) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Plaintiff Onstream Media Corporation is a corporation organized under laws of the State of Florida with its principal place of business at 1451 W. Cypress Creek Rd., No. 204, Ft. Lauderdale, FL 33309.

3. On information and belief, Defendant Polycom, Inc. is incorporated under the laws of the State of Delaware with its principal place of business at 345 Encinal Street, Santa Cruz, California 95060.

4. Polycom may be served with process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

5. On information and belief, since on or about July 27, 2000, Polycom has been registered to do business in the state of Texas under Texas SOS file number 0013372306.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. Polycom is subject to this Court's personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, Polycom "[r]ecruits Texas residents, directly or through an intermediary located in this State, for employment inside or outside this State." *See* Tex. Civ. Prac. & Rem. Code § 17.042.

8. Polycom has already admitted that this Court has personal jurisdiction over it in a recent patent litigation bearing docket number: 1:20-cv-00310-ADA.

9. This Court has personal jurisdiction over Polycom because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. §§ 271(a) and (b). In particular, on information and belief, Polycom has made,

used, offered to sell and/or sold, and has induced others to use infringing products, services, and/or systems in this judicial district.

10. On information and belief, Polycom is subject to the Court's jurisdiction because it regularly conducts and solicits business, or otherwise engages in other persistent courses of conduct in this judicial district, and/or derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in this judicial district.

11. This Court has personal jurisdiction over Polycom because, *inter alia*, Polycom, on information and belief: (1) has committed acts of patent infringement in this judicial district; (2) maintains a regular and established place of business in the judicial district; (3) has substantial, continuous, and systematic contacts with this State and this judicial district; (4) owns, manages, and operates facilities in this State and this judicial district; (5) enjoys substantial income from its operations and sales in this State and this judicial district; (6) employs Texas residents in this State and this judicial district, and (7) solicits business and markets products, systems and/or services in this State and judicial district including, without limitation, the infringing Polycom RealPresence Platform¹ and related products and services (collectively referred to herein as the "Polycom RealPresence Platform.")

¹ See

https://web.archive.org/web/20180429220429/https://www.polycom.com/company/news/press-releases/2011/20110914_2.html

12. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b), at least because Polycom, has committed acts of infringement in this judicial district, and has a regular and established place of business in this judicial district.

13. In fact, this judicial district was deemed to be a proper venue for patent cases against Polycom in an action bearing docket number: 1:20-cv-00310-ADA.

14. On information and belief, “Polycom has had engineering operations in Austin since 1997, when it bought ViaVideo, a startup video conferencing company for \$37.6 million.”²

15. On information and belief, “Austin has been a primary base of videoconferencing for” Polycom.³

16. On information and belief, Polycom has previously maintained a regular and established place of business in this judicial district located at 6500 River Place Blvd. Austin, Texas 78730.

17. On information and belief, as of on or about April 27, 2011, Polycom has employed over 200 Austin based employees to support its engineering and marketing efforts in this judicial district.⁴

18. On information and belief, on or about April 27, 2011 Polycom announced that it is “is relocating and doubling the space for its Austin operations, which are tied

² See <https://www.statesman.com/article/20110427/BUSINESS/304279644>

³ See id.

⁴ See id.

to engineering and marketing for videoconferencing systems.”⁵ At that time, it further announced that “it will move into 120,000 square feet at 7700 W. Parmer Lane by the end of this year.”

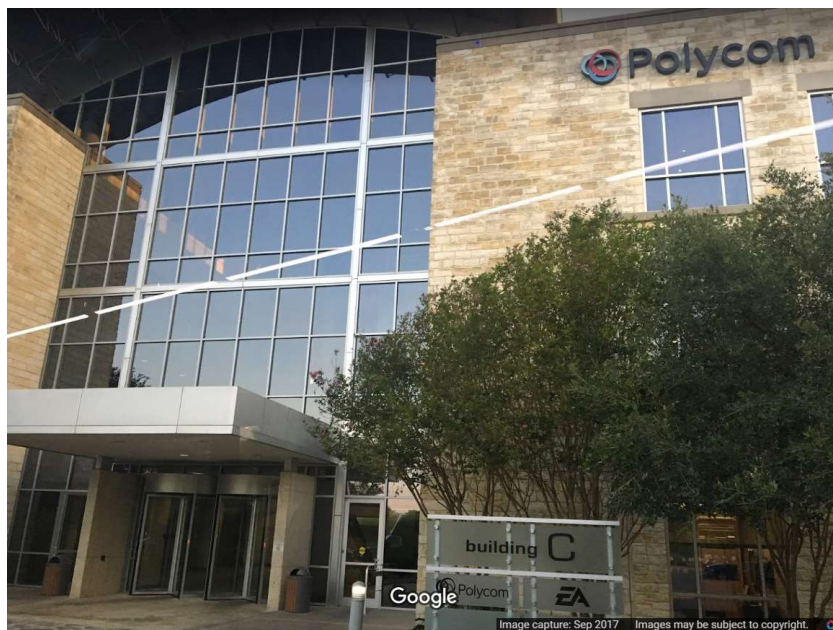
19. On information and belief, as of on or about April 27, 2011 it was Polycom’s intention to “expand its local engineering and marketing operations” in this judicial district.⁶ On information and belief, Polycom has actually expanded its Austin based engineering and marketing operations since on or about April 27, 2011.

20. On information and belief, from on or about 2012 to the present, Polycom has maintained a regular and established place of business in this judicial district located at 7700 W Parmer Ln., Building C, Suite 100, Austin, TX 78729. (“The Austin Polycom Office”)

21. On information and belief, The Austin Polycom Office is emblazoned with signage indicating Polycom’s operation of a regular and established business at The Austin Polycom Office location:

⁵ See id.

⁶ See id.



22. On information and belief, Polycom uses the Austin Polycom Office as a regular and established business location because this corporate office location is where numerous c-suite and other senior Polycom employees are based, including but not limited to employees holding the following titles: Chief Technical Officer, Advanced Technologies Group Director, Senior Director of Video Endpoint Hardware, Director of

Product Engineering, Director of Software Development, Director of Product Management, Director of Sales Enablement, Director of Americas Workplace Solutions, Director of Quality Assurance, Senior Vice President and General Manager, Vice President of Product Management, Vice President of Operations, Vice President of Product Management and Marketing, Vice President of Video Communications Marketing, Senior Product Manager, Senior Engineering Manager, Regional Sales Director, Regional Sales Manager, Global Customer Reference Manager, Global Education Network Manager, Senior Manager of Product Operations, Senior Alliance Marketing Manager, Senior Channel Business Manager, Senior Manager of Interoperability and Solutions Test Lab, National Channel Business Manager, Collaboration Solutions Architect, Virtualization & Storage Architect, Global UC Architect, User Experience Architect, Web UI Software Developer, Principal Engineer, Video Innovations Engineer, Senior Software Engineer, Senior Software Development Engineer, Staff Engineer, UI/ Application Software Engineer, Senior Embedded Software Engineer, Senior Hardware Development Engineer, Hardware Engineer, Senior Network Engineer, Software Engineer, Software Quality Assurance Engineer, Senior Staff Mechanical Engineer, Mechanical Engineer, Staff Quality and Reliability Engineer, Senior Escalations Engineer, Product Service Readiness Engineer, Systems Engineer IV, Software Engineer III, Solution Integration Engineer II, Video Compute Engineer, Senior AV Systems Design Engineer, Network Administrator, HR Manager, Senior Supervisor, Product Specialist, Hardware Expert, Project Coordinator, Program Manager and Hardware Engineering, Demonstration Specialist, Account Manager,

Territory Account Manager, Senior Executive Assistant to Executive Vice President of Engineering.⁷

23. On information and belief, Polycom uses the Austin Polycom Office as a regular and established business location because it houses employees who support a variety of business efforts including: global, national, and regional management efforts, product development efforts, engineering efforts, marketing and sales efforts, operations efforts, product management efforts, and technical service and support efforts.

24. On information and belief, Polycom was recently advertising approximately 5 open positions in Austin, Texas.

Senior Director of Product Management, Video Req ID 56127 - Posted on 04/01/2020 - Product Engineering/Management - US - Texas - Austin, Parmer Country (1)
Sr. Director, Imaging and Camera Engineering Req ID 56905 - Posted on 03/27/2020 - Product Engineering/Management - US - Texas - Austin, Parmer Country (1)
UX Designer Req ID 56409 - Posted on 03/24/2020 - Product Engineering/Management - US - Texas - Austin, Parmer Country (1)
Senior UX Researcher Req ID 56472 - Posted on 03/11/2020 - Product Engineering/Management - US - Texas - Austin, Parmer Country (1)
Senior Product Manager Req ID 56250 - Posted on 02/24/2020 - Marketing - US - Texas - Austin, Parmer Country (1)

See

<https://career4.successfactors.com/career?company=Plantronics&career%5fns=job%5flisting%5fsummary&navBarLevel=JOB%5fSEARCH&s.crb=4rYmpHA%2fDg%2bftQPLlZArspvI%2f%2bM%3d>.

⁷ See

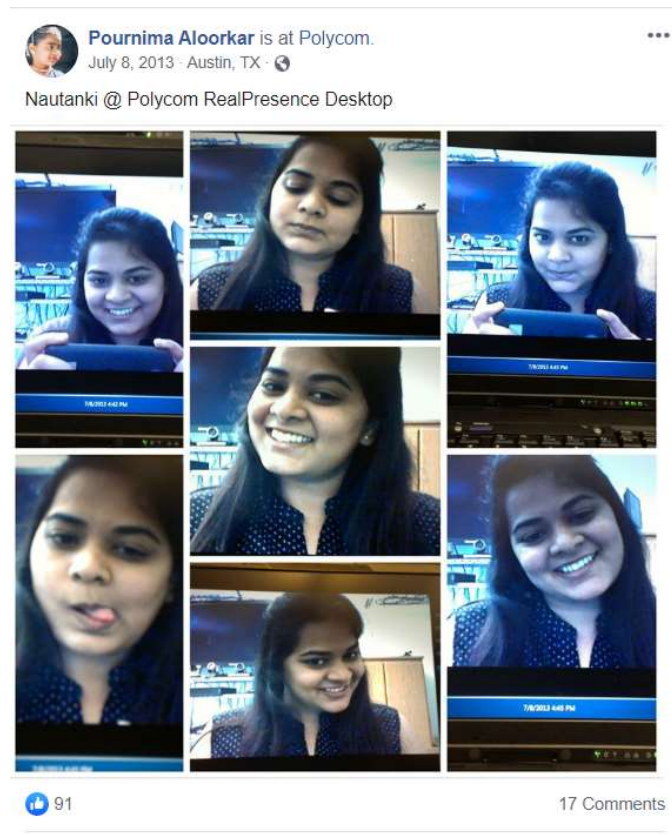
<https://www.linkedin.com/company/polycom/people/?facetGeoRegion=us%3A64>

25. On information and belief, publicly-available information lists at least 114 H-1B labor applications that Polycom filed for persons employed in Austin, Texas since 2001.⁸ On information and belief, the workers Polycom employs in the judicial district, including but not limited to those workers holding, or who have held, H-1B visas, are highly specialized and important to the regular operation of Polycom because workers holding an H-1B visa are employed in a specialty occupation that requires a “theoretical and practical application of a body of highly specialized knowledge . . . and attainment of a bachelor’s or higher degree in the specific specialty. . . .” *See generally* 8 U.S.C. § 1184.

26. On information and belief, the accused products and services offered by Polycom, including but not limited to the accused Polycom RealPresence Platform, that Polycom uses, makes, markets, distributes, offers to sell, and sells to consumers throughout the United States and in this judicial district, infringe one or more of the claims of the patents-in-suit, were/are used by, were/are made by, were/are developed by, were/are marketed by, were/are supported by, or were/are serviced by employees located in the judicial district who work at one or more of Polycom’s regular and established business locations in the judicial district, including without limitation, The Austin Polycom Office.

⁸ *See*

https://h1bsalary.online/index.php?searchtext=POLYCOM&year=&minsalary=&state=&worksite_city=Austin%2CTX&job_title=



See e.g. <https://www.facebook.com/pages/Polycom/278349968857899>

27. On information and belief, Polycom operates an executive experience center at the Austin Polycom Office location.⁹ Visitors to the Austin based executive experience center “see tightly integrated partner solutions, powered by the Poly® RealPresence® Platform.”¹⁰ On information and belief, Polycom opens the Austin executive experience center to the public, its customers, and its potential customers, in-part, in order to market, sell, and offer to sell its infringing products and services,

⁹ See <https://www.poly.com/us/en/about/executive-experience-centers>; <https://www.polycom.co.uk/content/dam/polycom/common/documents/guides/ec-austin-guide-enus.pdf>.

¹⁰ See *id.*

including but not limited to the accused Polycom RealPresence Platform, to customers and potential customers residing in this judicial district.

28. On information and belief, former Polycom Vice President of Product Marketing, John Antanaitis demonstrated the Polycom RealPresence Platform at the 2011 ITEXPO conference, held in Austin Texas, in part, in order to market, sell, and offer to sell its infringing products and services to customers and potential customers located in this judicial district.¹¹

29. On information and belief, Polycom derives substantial revenue within the judicial district from the offer of infringing products and services, including but not limited to the accused Polycom RealPresence Platform. On information and belief, many Polycom users who reside in the judicial district regularly use the accused Polycom RealPresence Platform while they are present in this judicial district.

30. On information and belief, the users of the accused Polycom RealPresence Platform include Polycom employees who work in this judicial district, and who use the Polycom RealPresence Platform as a part of their official work functions while working at the Austin Polycom Office.

¹¹ See <https://unified-communications.tmcnet.com/topics/unified-communications/articles/218479-polycom-highlights-unifying-unified-communications-itexpo.htm>.



See e.g. <https://twitter.com/PolyCompany/status/520291665815158785>.

31. On information and belief, Polycom offers troubleshooting services for the Polycom RealPresence Platform from various location including The Austin Polycom Office.¹²

32. On information and belief, Polycom offers instructional courses in this judicial district on the operation of its products and services, including specifically the Polycom RealPresence Platform.¹³ On information and belief, Polycom customers who use the Polycom RealPresence Platform while in this judicial district have attended Polycom's instructional courses in this judicial district.

¹² See <https://community.polycom.com/t5/RealPresence-Mobile/FAQ-Is-there-a-way-I-can-make-a-test-call-to-a-Polycom-site/td-p/28490>.

¹³ See e.g. <https://www.polycom.com/content/dam/polycom/common/documents/training-resources/global-public-classes-schedule-q4-2018-q1-2019-v3.pdf>. (Deploying And Managing Devices With RealPresence Resource Manager, to be offered on May 26 & 27, 2020 in Austin, Texas.

33. On information and belief, HomeAway Inc. is a company based in Austin, Texas, which uses the accused Polycom RealPresence Platform, including in this judicial district.¹⁴

34. On information and belief, additional users of the accused Polycom RealPresence Platform, who are physically located in the judicial district include, for example, eClerx Services Limited, “a leading knowledge process outsourcing company,” with around 9,000 employees and an office located in Austin, Texas.¹⁵

35. On information and belief, Polycom has partnered with Dell (USA), which is located in the judicial district at One Dell Way, Round Rock, TX 78664, in furtherance of its production, support, and/or maintenance of the hardware and software systems and services of the accused Polycom RealPresence Platform.¹⁶ For example, on information and belief, Polycom uses Dell as a supplier of certain hardware components of the Polycom RealPresence Platform:

¹⁴ See <https://www.whatech.com/collaboration/press-release/archive/8242-polycom-transforms-homeaway-to-a-video-collaboration-culture-to-efficiently-operate-its-vacation-rental-business-spanning-more-than-640-000-rental-properties-in-168-countries>.

¹⁵ See e.g., <https://www.polycom.com.sg/content/dam/polycom/common/documents/customer-stories/eclerx-services-limited-enus.pdf>.

¹⁶ See <https://partners.poly.com/English/directory/partner/1087658/dell-usa-hq>.

The RealPresence Resource Manager system resides on a Polycom-branded Dell server. The Dell server software also includes an SNMP agent and MIB (Message Information Base). However, the RealPresence Resource Manager system acts as a proxy agent to forward the Dell server MIB alarms and alerts, so the management system does not need to be configured to receive information directly from the Dell server MIB.

See e.g. <https://www.poly.com/content/dam/polycom/common/documents/release-notes/rprm-v730-operations-guide-tg-en.pdf>.

36. On information and belief, Polycom employees who are located in the judicial district have worked with one or more of Polycom's partners who are located in the judicial district in order to make, use, sell, or offer to sell the accused Polycom RealPresence Platform.

United States Patent No. 9,161,068

37. On October 13, 2015, the United States Patent and Trademark Office ("USPTO") duly and legally issued United States Patent No. 9,161,068 ("the '068 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Duane Ellis.

38. The '068 patent is presumed valid under 35 U.S.C. § 282.

39. Onstream owns all rights, title, and interest in the '068 patent.

40. Onstream has not granted Polycom a license to the rights under the '068 patent.

41. The '068 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

42. The claimed invention(s) of the '068 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. For example, the '068 patent states:

Unfortunately, new systems and methods for increasing the capabilities of online business-related communications and transactions often result in increased intellectual complexity and/or increased computer system requirements. This tendency is undesirable because another main avenue for increasing the productivity of online business-related communications and transactions is to increase the number of people who are participating in these online business-related transactions.

See '068 Specification at col. 1, ll. 31-39.

43. The '068 patent then states:

Accordingly, it would be highly valuable if any new systems and methods for increasing the capabilities of online business-related communications and transactions also could be simple enough to help attract new users to the online business market and also not have extensive computer system requirements.

See '068 Specification at col. 1, ll. 39-44.

44. The '068 patent then also states:

Accordingly, there has been a long existing need for a system that improves the level of communication possible with respect to online business-related transactions. Further, there is a continuing need for an improved system and/or method that is simple, efficient, and does not have extensive computer system requirements. Accordingly, those skilled in the art have long recognized the need for a system and method that addresses these and other issues.

See '068 Specification at col. 1, ll. 45-52.

45. The invention(s) claimed in the '068 patent solves various technological problems inherent in the then-existing audio and video recording, storage, and delivery systems and enables audio and video recording, storage, and delivery systems to,

among other things, (1) function more efficiently, (2) lower the required level of expertise for users of such systems, (3) avoid the need to install and burden front end computer and electronic devices with additional software, (4) reduce or eliminate entirely the need for local memory storage devices and other specialized recording equipment, and (5) reduce or eliminate other hardware and software requirements inherent in prior art audio and video recording and distribution systems.

United States Patent No. 9,467,728

46. On October 11, 2016, the USPTO duly and legally issued United States Patent No. 9,467,728 (“the ‘728 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Ellis.

47. The ‘728 patent is presumed valid under 35 U.S.C. § 282.

48. Onstream owns all rights, title, and interest in the ‘728 patent.

49. Onstream has not granted Polycom a license to the rights under the ‘728 patent.

50. The ‘728 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

51. The specification of the ‘728 patent is the same as the ‘068 patent specification and addresses and solves the problems recited above and described in the ‘728 patent specification.

United States Patent No. 10,038,930

52. On July 31, 2018 the USPTO duly and legally issued United States Patent No. 10,038,930 (“the ‘930 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

53. The ‘930 patent is presumed valid under 35 U.S.C. § 282.

54. Onstream owns all rights, title, and interest in the ‘930 patent.

55. Onstream has not granted Polycom a license to the rights under the ‘930 patent.

56. The ‘930 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

57. The claimed invention(s) of the ‘930 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems.

58. The specification of the ‘930 patent is the same as the ‘068 patent specification and addresses and solves the problems recited above and described in the ‘068 patent specification.

United States Patent No. 10,200,648

59. On February 5, 2019, the USPTO duly and legally issued United States Patent No. 10,200,648 (“the ‘648 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis.

60. The ‘648 patent is presumed valid under 35 U.S.C. § 282.

61. Onstream owns all rights, title, and interest in the ‘648 patent.

62. Onstream has not granted Polycom a license to the rights under the '648 patent.

63. The '648 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

64. The claimed invention(s) of the '648 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems.

65. The specification of the '648 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '648 patent specification.

United States Patent No. 10,674,109

66. On June 2, 2020, the USPTO duly and legally issued United States Patent No. 10,674,109 ("the '109 patent") entitled "Remotely Accessed Virtual Recording Room" to inventor Gregory Ellis.

67. The '109 patent is presumed valid under 35 U.S.C. § 282.

68. Onstream owns all rights, title, and interest in the '109 patent.

69. Onstream has not granted Polycom a license to the rights under the '109 patent.

70. The '109 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

71. The specification of the '109 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '109 patent specification.

United States Patent No. 10,694,142

72. On June 23, 2020 the USPTO duly and legally issued United States Patent No. 10,694,142 (“the ‘142 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Ellis.

73. The ‘142 patent is presumed valid under 35 U.S.C. § 282.

74. Onstream owns all rights, title, and interest in the ‘142 patent.

75. Onstream has not granted Polycom a license to the rights under the ‘142 patent.

76. The ‘142 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

77. The specification of the ‘142 patent is the same as the ‘068 patent specification and addresses and solves the problems recited above and described in the ‘142 patent specification.

CLAIMS FOR RELIEF

Count I – Infringement of United States Patent No. 9,161,068

78. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

79. On information and belief, Polycom is the developer, owner, and operator of an online video streaming service called “Polycom RealPresence Platform.”¹⁷ On

¹⁷ See https://web.archive.org/web/20180429220429/https://www.polycom.com/company/news/press-releases/2011/20110914_2.html;

information and belief, the Polycom RealPresence Platform provides infrastructure “for universal video collaboration,” which is the infrastructure that powers Polycom's telepresence and video solutions.¹⁸ On information and belief, the Polycom RealPresence Platform enables “unified communications that span desktop, mobility, and group settings.”¹⁹ On information and belief, the functional modules of the Polycom RealPresence Platform include “Video Content Management software for secure video capture (recording and playback) as well as content management, administration, and delivery of video content.”²⁰

80. On information and belief, Polycom makes, uses, sells, and/or offers to sell the Polycom RealPresence Platform and sells and/or offers to sell products and services in the United States that use the Polycom RealPresence Platform as a feature or component. The Polycom RealPresence Platform, as well as the hardware and software components comprising the Polycom RealPresence Platform that enables the Polycom RealPresence Platform to operate, including but not limited to Polycom RealPresence Platform Server Devices, Polycom RealPresence Platform Endpoint Devices, servers, server hardware components, server software components, cloud-based hardware components, cloud-based software components, networking hardware components,

<https://www.broadconnect.ca/resource-centre/white-papers/video-conferencing/polycom-scalable-architecture-for-distributed-video.pdf>

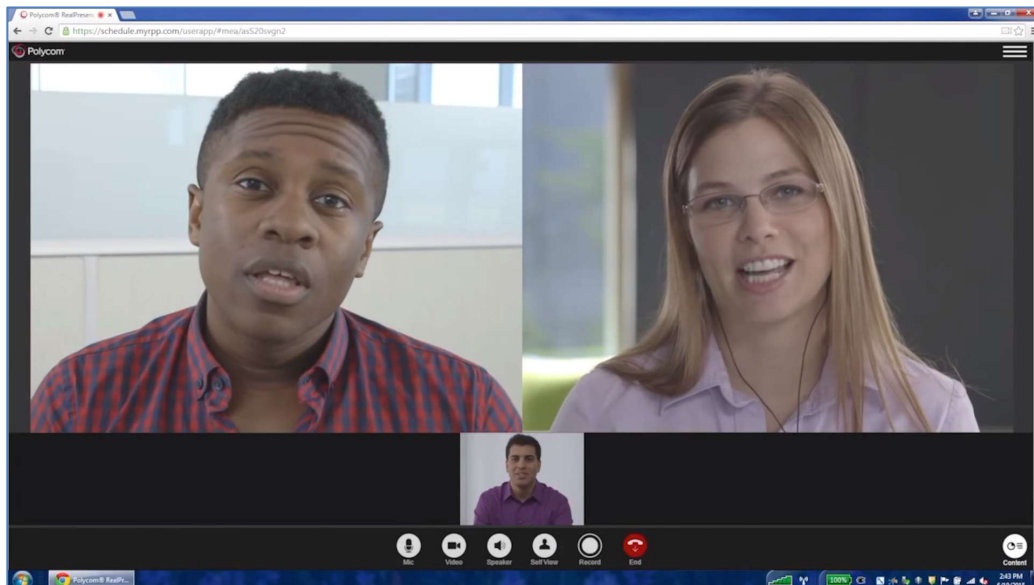
¹⁸ See *id.*

¹⁹ See *id.*

²⁰ See *id.*

networking software components, endpoint hardware components, endpoint software components, cameras, microphones, telephones, video displays, conference room equipment, server room equipment, mobile devices, web client software, mobile client software, desktop client software, and other related computer systems, hardware components, software components, services, and all products, components, and services incorporating the word “RealPresence” in their name, (collectively referred to herein as the “Polycom RealPresence Platform”), infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the ‘068 patent.

81. On information and belief, the Polycom RealPresence Platform employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end as demonstrated by the images below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

Record a Meeting Using a Web Browser

You can record a meeting you join in a web browser directly from the RealPresence Web Suite Experience Portal interface.



Chairpersons (and participants if enabled by your administrator) can record the meeting. Guests cannot record the meeting.

Procedure

- 1 Click **Record** .

The button turns red to show that recording is in progress, and the notification bar displays the message *Recording started*.

- 2 To stop recording, do one of the following:

- Click **Record**  to stop recording but continue the meeting.
- Click **Hang Up**  and end the meeting for all.

Depending on the recording system your RealPresence Web Suite deployment uses, you may receive an email notification with a link to your recorded meeting. If you do not receive notification that your meeting recording is ready for viewing, contact your company IT or system administrator for more information.

See e.g. https://documents.polycom.com/bundle/rpws-ug-2-2/page/t_rpws_ug_record_a_meeting.html.

82. On information and belief, the Polycom RealPresence Platform can be accessed through an Internet browser connection established between a user front end and a host back end as demonstrated by the images below:

- Invite anyone, anywhere to join using a browser or soft client with high quality voice, video, and content sharing

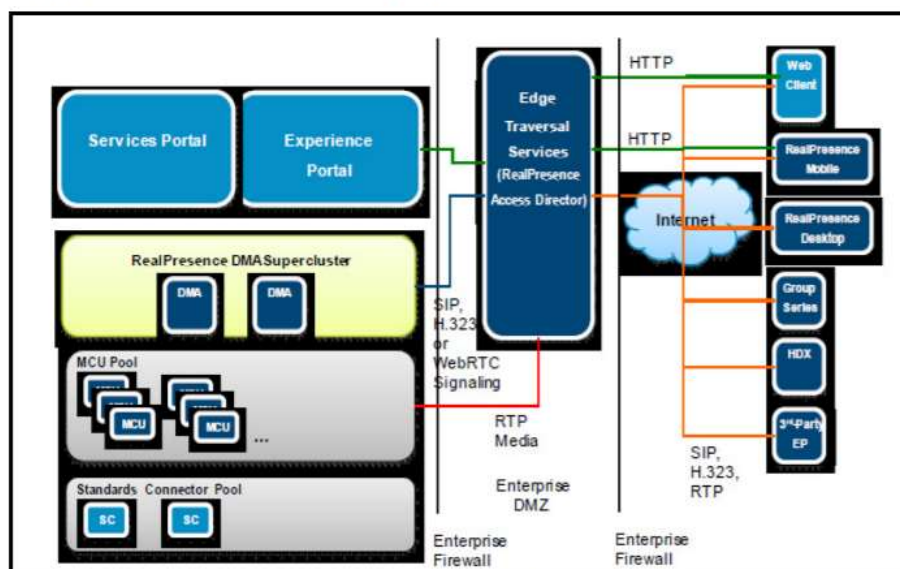
- Ideal for both internal and external meetings with access to all your B2B and B2C contacts

See e.g.

<https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



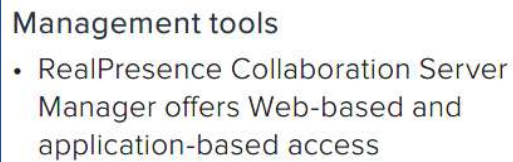
RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

83. On information and belief, when a user wants to record audio and video material over an Internet browser connection, one or more servers, including but not limited to components of the Polycom RealPresence Platform such as the RealPresence

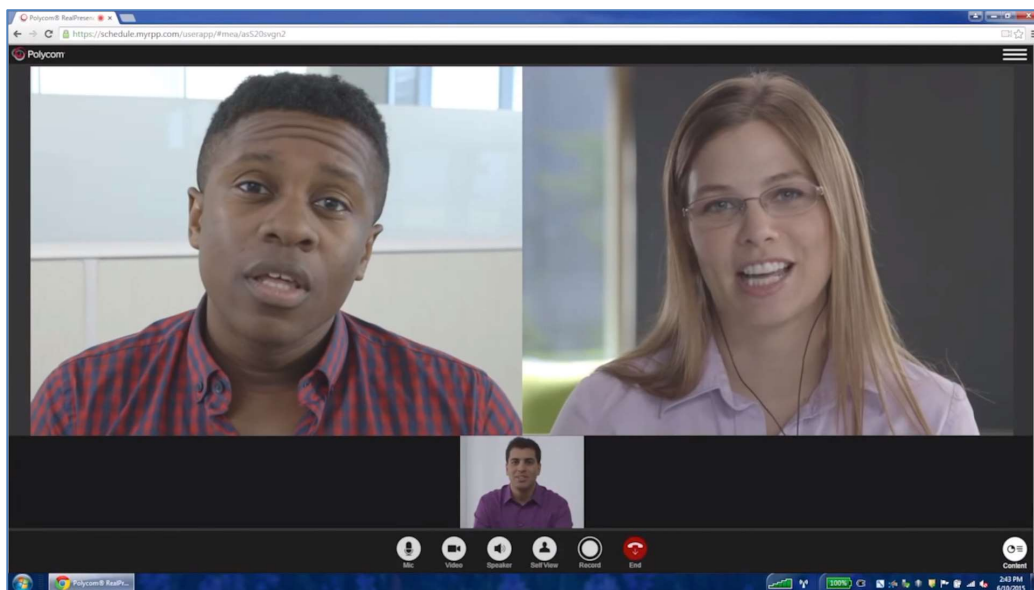
Collaboration Server, Real Presence Media Manager server, RealPresence Media Suite Video Recording Room server, RealPresence Media Suite server, RealPresence Web Suite server, Polycom RSS Server, Polycom RealPresence Capture server, Polycom servers, Polycom virtual servers, Polycom cloud servers, Polycom on-premises servers, computers running Polycom server software, and/or any combination of the above-listed components of the Polycom RealPresence Platform (referred to herein as “Polycom RealPresence Platform Server Devices”), deliver a code, which can be executed by a browser, as suggested by the image below:



See

<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-collaboration-server/doc/realpresence-collaboration-server-ds-en.pdf>.

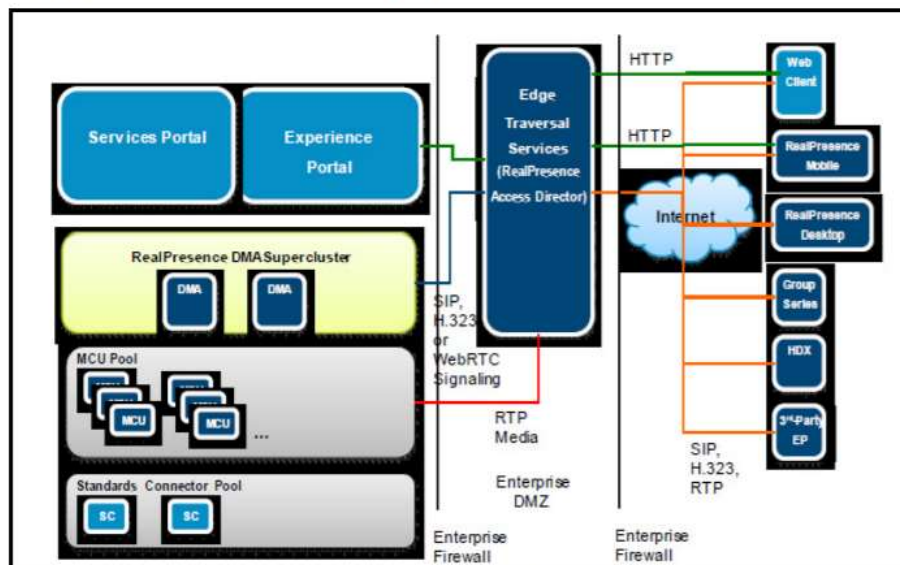
84. On information and belief, one or more of the Polycom RealPresence Platform Server Devices delivers a code that enables the streaming of audio and video material, as demonstrated by the images and linked video below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.
See also <https://documents.polycom.com/bundle/rpws-ug-2-2/page/c1685680.html>.

85. On information and belief, one or more of the Polycom RealPresence Platform Server Devices deliver a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded as suggested by the image below:

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

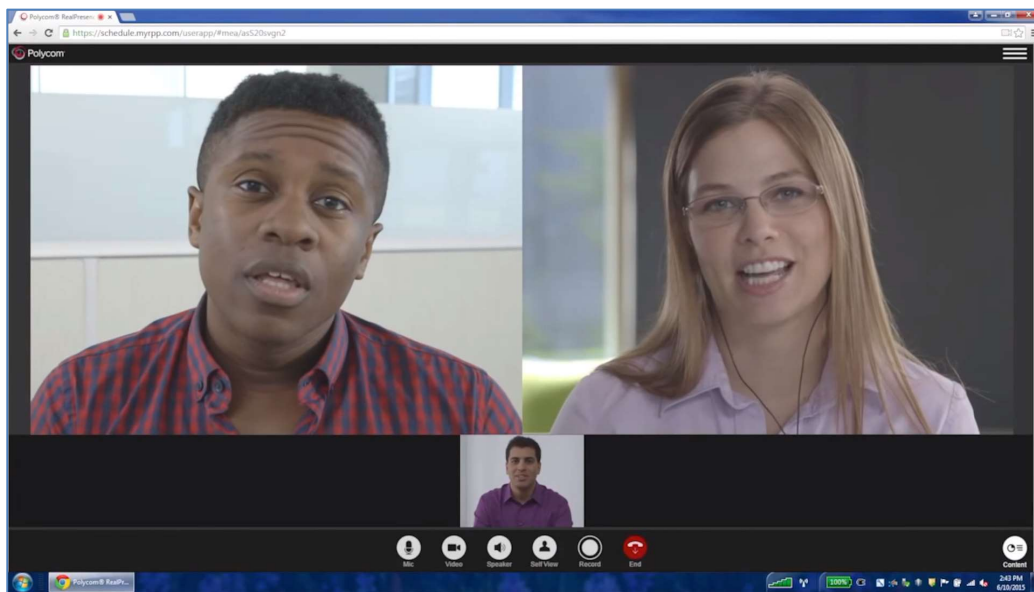
86. On information and belief, one or more of the Polycom RealPresence Platform Server Devices deliver a code that is browser independent as is suggested by the image below:

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

87. On information and belief, one or more of the Polycom RealPresence Platform Server Devices deliver a code that is executed through a browser at the user front end, as demonstrated by the images below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

Browser requirements

- Internet Explorer 11
- Firefox 31 or later
- Chrome 35 or later
- Chrome on Android 4.1 and later
- Safari 6.1.6 or later (Mac only)
- Safari on iPhone 4s, iPhone 5c, 5s, 6, 6 Plus
- Safari on iOS 8 devices: iPad, iPad Air2

See <https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>.

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

88. On information and belief, the Polycom RealPresence Platform uses an Internet connection as is demonstrated by the images below:

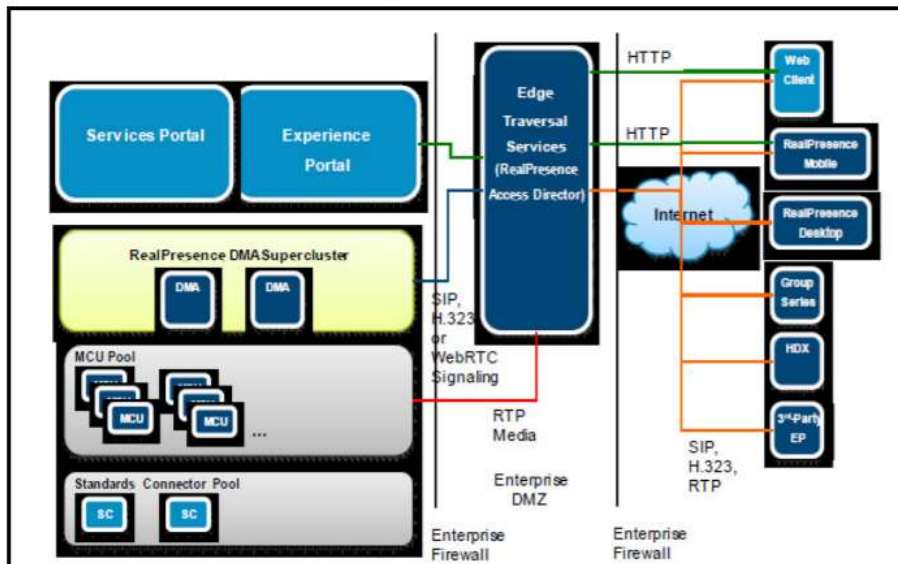
- Ideal for both internal and external meetings with access to all your B2B and B2C contacts

See e.g.

<https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components

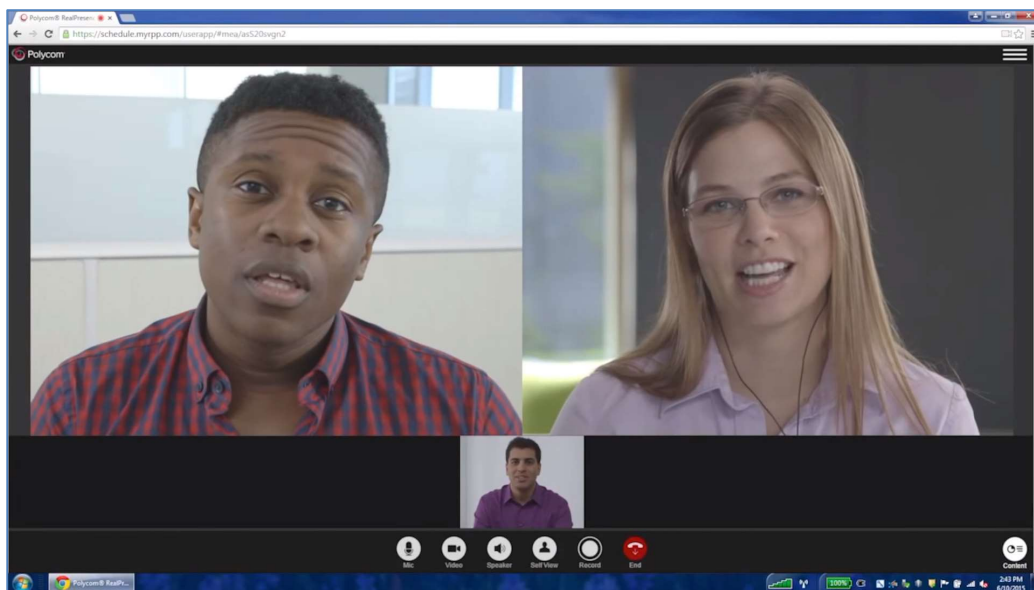


RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

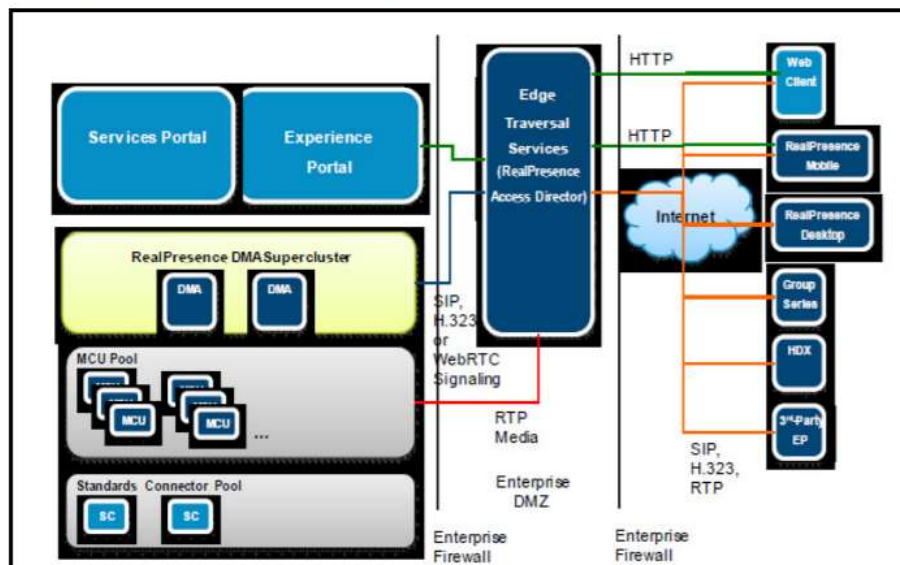
89. The Polycom RealPresence Platform employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components

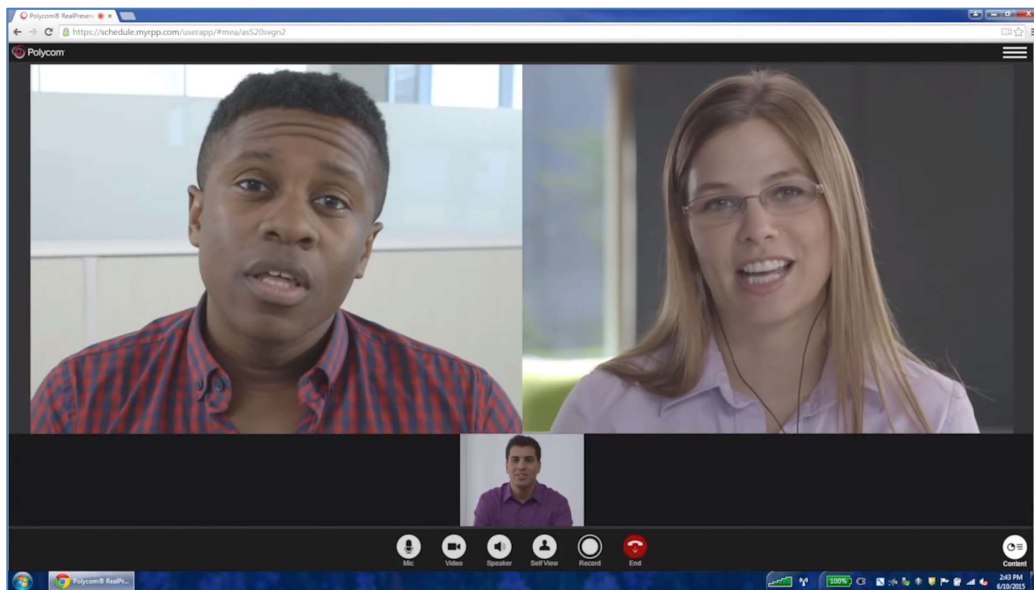


RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

90. On information and belief, the Polycom RealPresence Platform employs and provides a method wherein audio and video material is captured without using any recording software installed on the user front end as demonstrated by the images and linked video below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

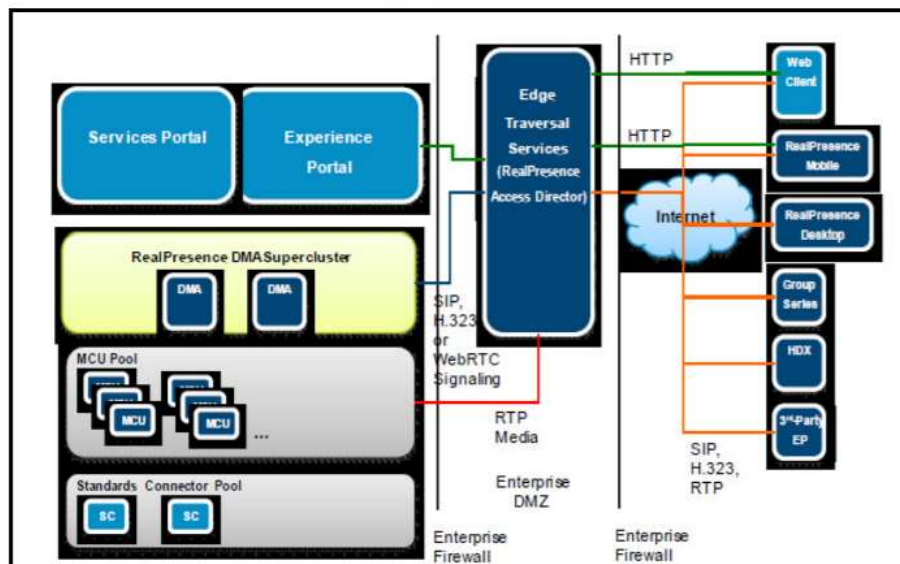
RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components

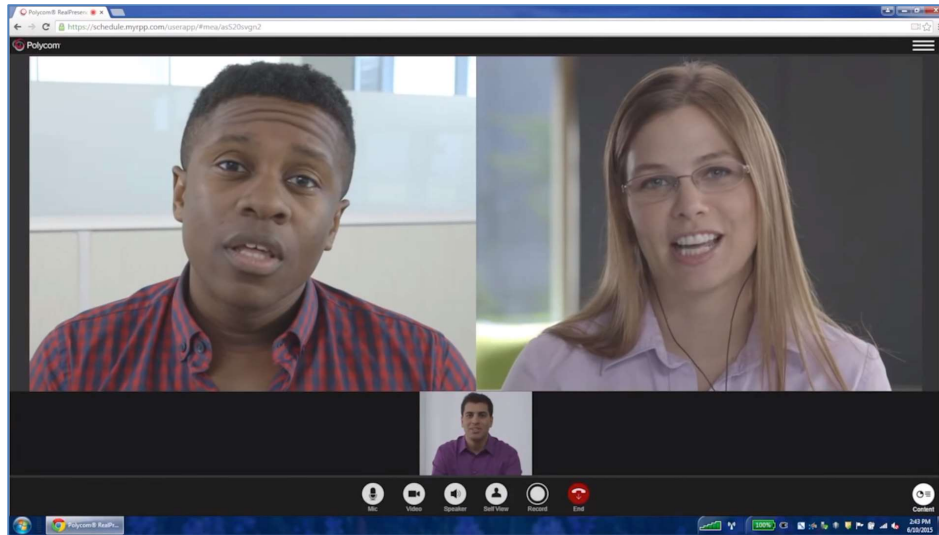


RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

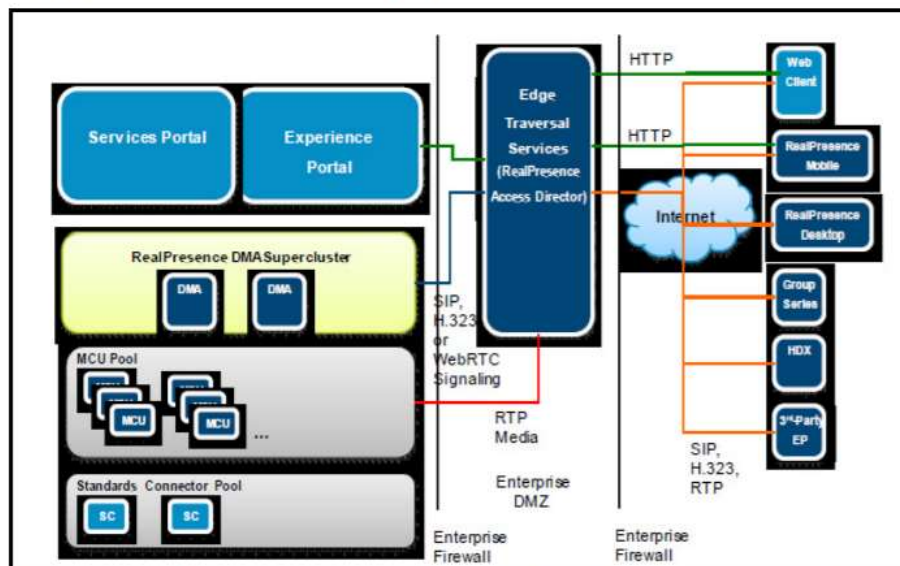
91. On information and belief, the Polycom RealPresence Platform uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to one or more Polycom RealPresence Platform Server Devices as the audio and video material is being captured:



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components

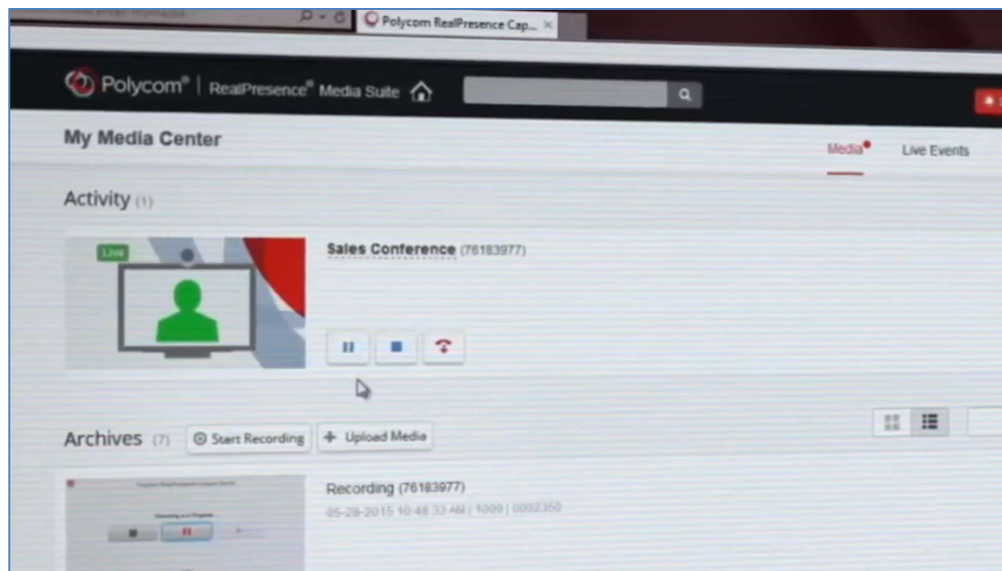


RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

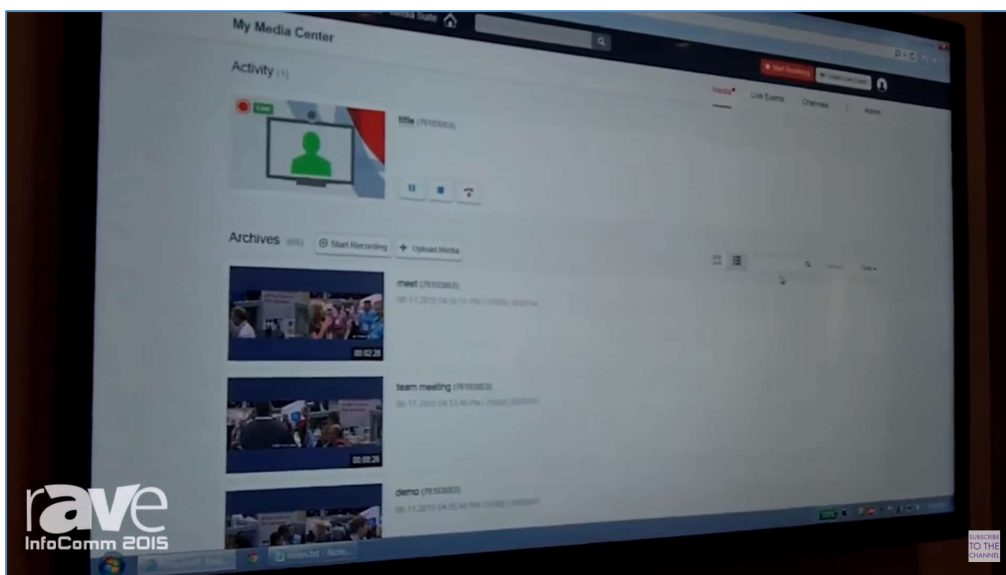
If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

92. On information and belief, the Polycom RealPresence Platform uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file as demonstrated by the images and linked videos below discussing the functionality of the Polycom RealPresence Platform's Media Suite software:

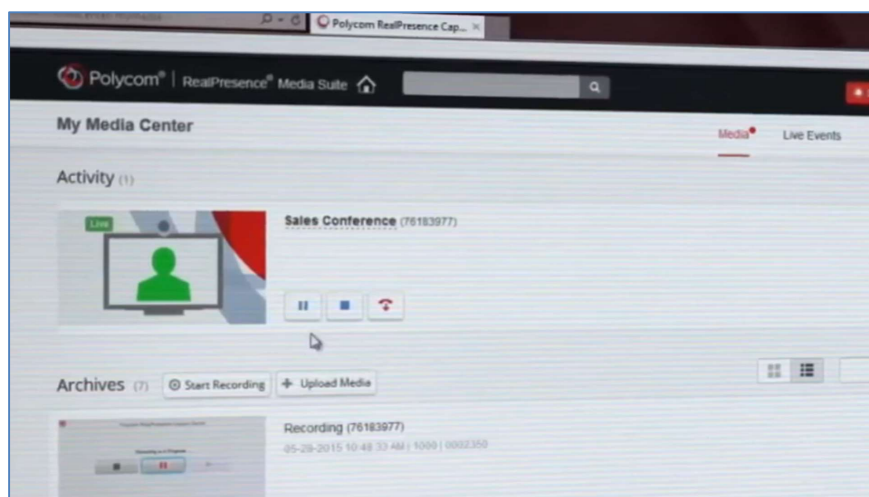


See <https://www.youtube.com/watch?v=QlaQUSBWcV4>;

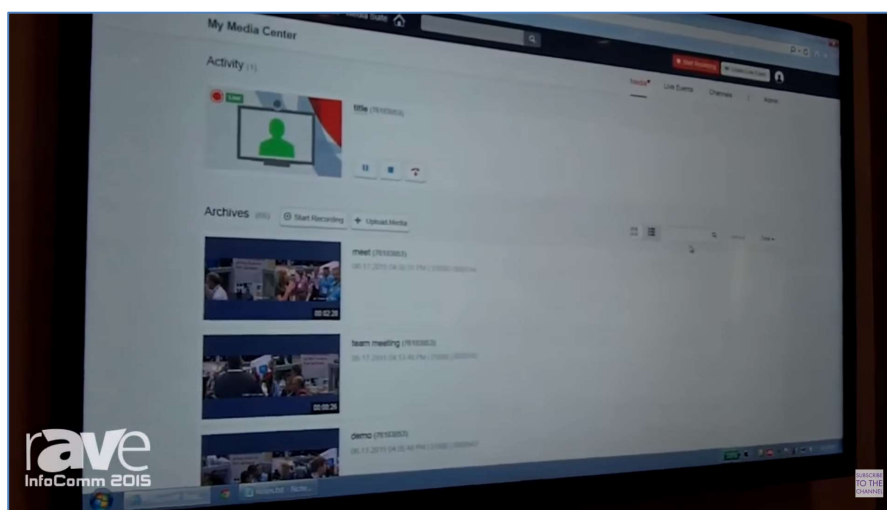


See <https://youtu.be/jRO0JNsuBI4>.

93. On information and belief, the Polycom RealPresence Platform uses and provides a method wherein after the recording of audio and video material is complete, the Polycom RealPresence Platform provides access to the entire audio and video recording, as demonstrated by the images and linked videos below, which discuss the functionality of the Polycom RealPresence Platform's Media Suite software:



See <https://www.youtube.com/watch?v=QlaQUSBWcV4>;



See also <https://youtu.be/jRO0JNsuBI4>.

94. On information and belief, Polycom directly infringes at least claims 1, 18, 35, and 48 of the '068 patent, and is in violation of 35 U.S.C. § 271(a) by using, selling and offering to sell the Polycom RealPresence Platform.

95. On information and belief, Polycom has been on notice of the '068 patent at least as early as the filing and service of the Complaint in this action.

96. On information and belief, at least since its post-filing knowledge of the '068 patent, Polycom knowingly encourages, and continues to encourage, its domestic customers, resellers, distributors, and other partners to directly infringe one or more claims of the '068 patent, including by, without limitation, instructing and encouraging its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform through user guides,²¹ advertisements,²² promotional materials,²³ and instructions.²⁴

²¹ See e.g. https://documents.polycom.com/bundle/rpws-ug-2-2/page/t_rpws_ug_record_a_meeting.html.

²² See e.g. <https://youtu.be/jRO0JNsuBI4>; <https://www.youtube.com/watch?v=QlaQUSBWcV4>; https://youtu.be/KXJhrl_vPbQ; https://www.polycom.com/company/news/press-releases/2011/20110914_2.html.

²³ See e.g. <https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>; <https://www.polycom.co.kr/content/dam/polycom/common/documents/data-sheets/realpresence-media-suite-data-sheet-enus.pdf>.

²⁴ See e.g. <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/video-content-management-solutions/realpresence-media-suite/downloads/previous-versions/archived-documents/en/rp-ms-ug-2-8.pdf>.

97. On information and belief, Polycom instructs and continues to instruct its domestic customers, resellers, distributors, and other partners, to make, use, sell, and/or offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites²⁵, which provide access to, and support for, using the Polycom RealPresence Platform.

98. On information and belief, Polycom's domestic customers²⁶ and partners²⁷ directly infringe at least claims 1, 18, 35, and 48 of the '068 patent through their making, use, sales, and/or offers for sale of the Polycom RealPresence Platform.

99. On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '068 patent, indirectly infringing and continues to indirectly infringe at least claims 1, 18, 35, and 48 of the '068 patent by knowingly and specifically inducing infringement by others (including, without limitation, Polycom's domestic customers, resellers, distributors, and other partners) and possessing specific intent to encourage infringement by Polycom's domestic customers, resellers, distributors, and other partners.

²⁵ See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

²⁶ Polycom's customers, who directly infringe one or more of the claims of the '068 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalerx Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

²⁷ See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

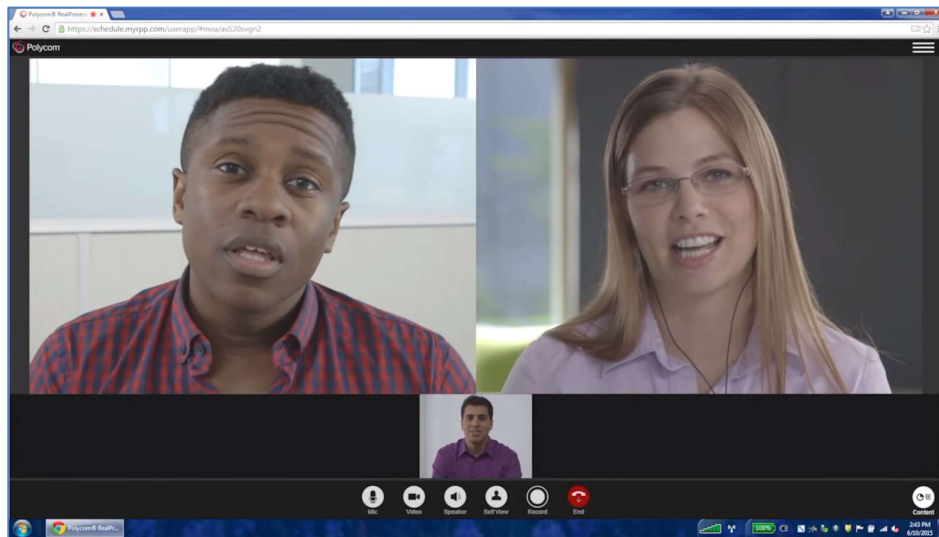
100. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

Count II – Infringement of United States Patent No. 9,467,728

101. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

102. The Polycom RealPresence Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '728 patent.

103. On information and belief, the Polycom RealPresence Platform employs and provides an Internet-based method that records audio and video material over an Internet browser connection established between a user front end and a host back end:



See e.g. https://youtu.be/KXJhrl_vPbQ.

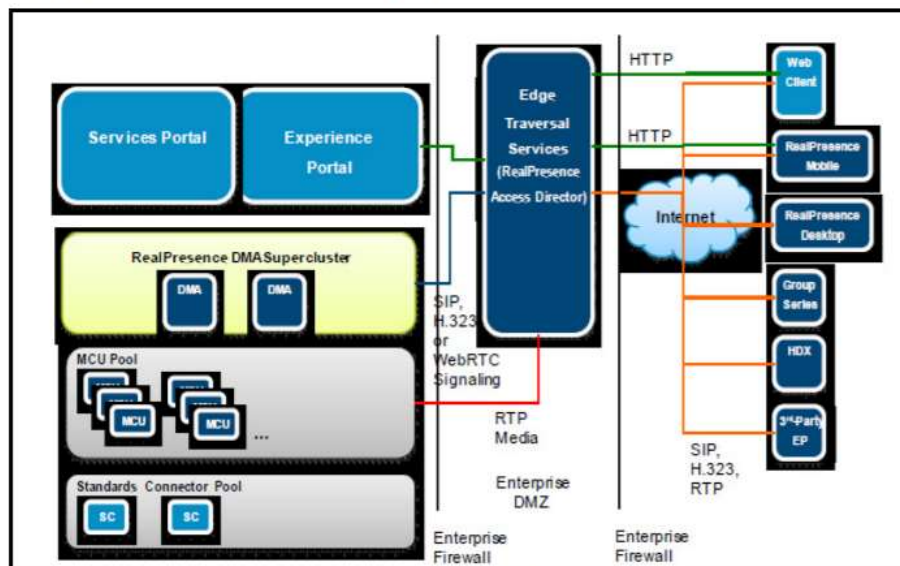
- Ideal for both internal and external meetings with access to all your B2B and B2C contacts

See e.g.

<https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

104. On information and belief, the Polycom RealPresence Platform, including particularly and without limitation, one or more Polycom RealPresence Platform Server Devices, transmit via a network a platform-independent web application, which

initiates the streaming of audio and video material from a user's device as the audio and video material is being captured by that device.

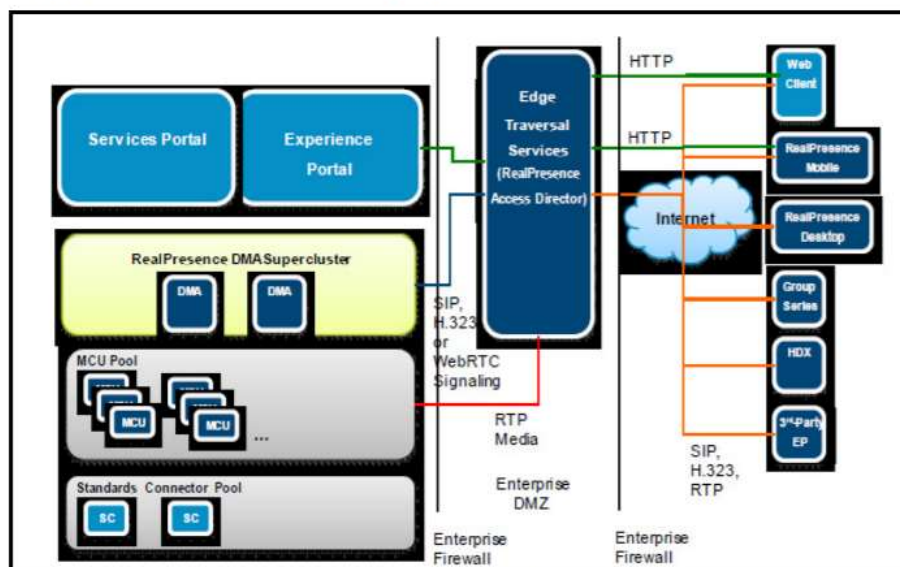
RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

105. On information and belief, the Polycom RealPresence Platform records audio and video material on Polycom RealPresence Platform Server Devices and stores that audio and video material as a complete file.

Record a Meeting Using a Web Browser

You can record a meeting you join in a web browser directly from the RealPresence Web Suite Experience Portal interface.



Chairpersons (and participants if enabled by your administrator) can record the meeting. Guests cannot record the meeting.

Procedure

- 1 Click **Record** .

The button turns red to show that recording is in progress, and the notification bar displays the message *Recording started*.

- 2 To stop recording, do one of the following:

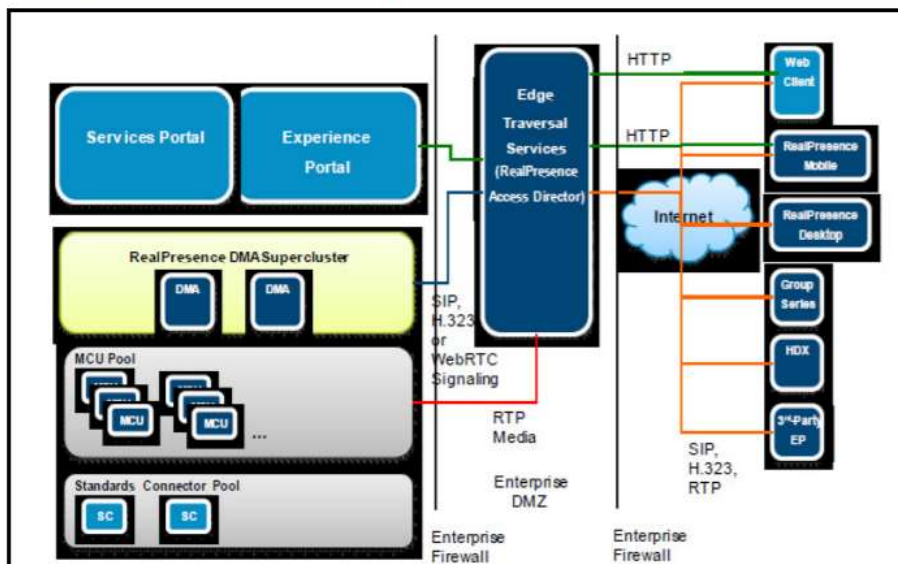
- Click **Record**  to stop recording but continue the meeting.
- Click **Hang Up**  and end the meeting for all.

Depending on the recording system your RealPresence Web Suite deployment uses, you may receive an email notification with a link to your recorded meeting. If you do not receive notification that your meeting recording is ready for viewing, contact your company IT or system administrator for more information.

See <https://documents.polycom.com/bundle/rpws-ug-2-2/pdf/enus/0?returnTo=https%3A%2F%2Fdocuments.polycom.com%2Fbundle%2Frpws-ug-2-2%2Fpage%2Ft1719182.html>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

106. On information and belief, the Polycom RealPresence Platform generates one or more codes, including without limitation Media Embed Codes and Archive Embed Codes, which are associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material from an additional location, such as a third-party web page, as demonstrated by the images below:

Get the Media Embed Code

You can get the media embed code.

PROCEDURE

1. When the video is playing in the RealPresence Media Suite Player, click **Get Link** at the bottom of the player.
2. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

Get the Archive Embed Code

You can get the archive embed code.

Procedure

1. Go to **My Media Center > Admin > Content**.
2. Click **Archives** under the **Content** section.
All archives on the server are displayed under the **All** tab.
3. Select the checkbox of the archive to which you want to upload an attachment, and select **...** > **Get Link**.
4. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

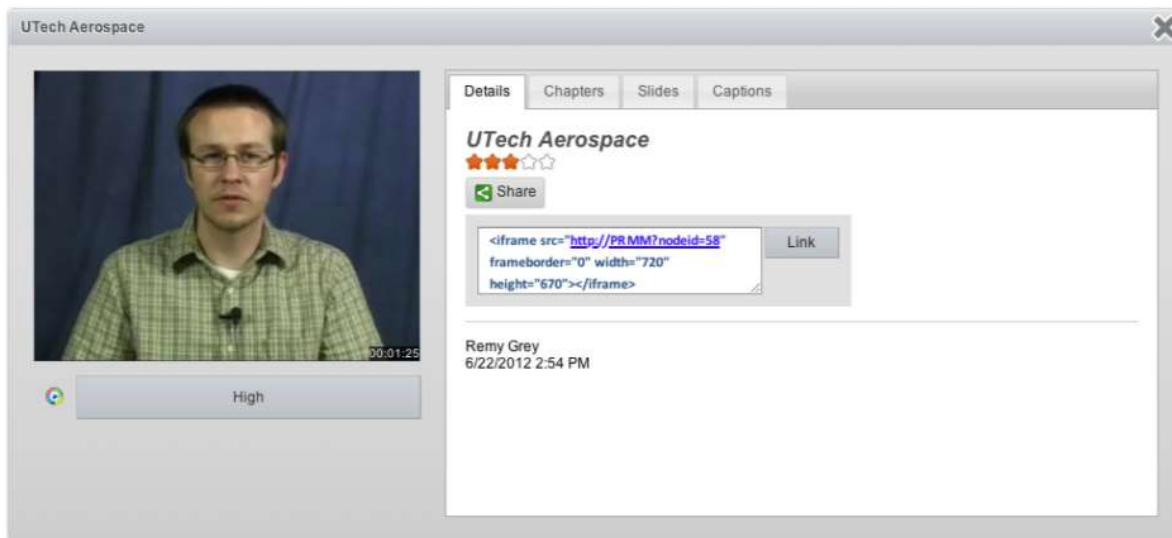
You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

See e.g. <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/video-content-management-solutions/realpresence-media-suite/downloads/previous-versions/archived-documents/en/rp-ms-ug-2-8.pdf>.

Social Sharing

Social sharing allows users to share a video with a link or embed code to display a portal video in a web page. Authenticated users can access this capability from the **more details** link for any video in the Media Manager portal.



See

http://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v6_0_Admin_Guide.pdf.

107. On information and belief, the content of the one or more codes generated by the Polycom RealPresence Platform depends on the type of code supported by the additional location. On information and belief, the content of the one or more codes generated by the Polycom RealPresence Platform depends on, among other things, the data transfer protocols that are supported by the client and/or device from which another user of the Polycom RealPresence Platform is accessing the recorded audio and video material, including but not limited to the Hypertext Transfer Protocol (HTTP) and/or Hypertext Transfer Protocol Secure (HTTPS) protocol.

To enable SSL protection functionality to work with Media Manager embed function (so the page switches to HTTPS and then switches back to HTTP), you must make a change to the web.config configuration file for PRMM:

```
login... -->
    <add key="RequireSSL" value="None" />
<!--values are DefaultResources/All/None. Set it to All will force all
pages to go thru SSL... -->
```

See

https://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v_6_0_4_8_Release_Notes.pdf

108. On information and belief, the Polycom RealPresence Platform enables the copying and pasting of codes associated with the recorded and stored audio and video material, including without limitation codes comprising a unique alpha-numeric string, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.

Media Manager v6 Social Sharing

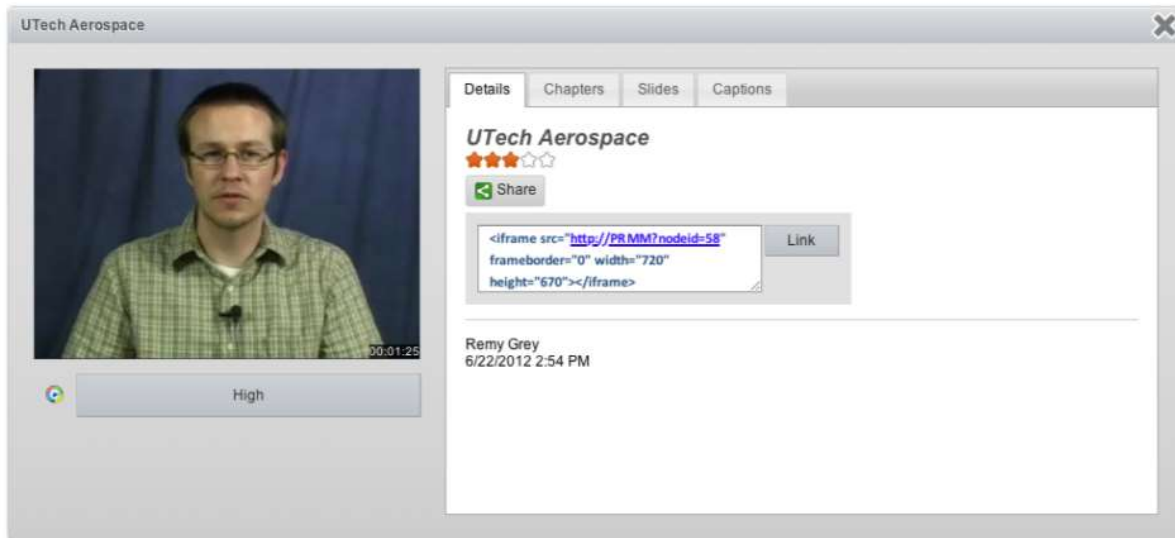
The new Social Sharing feature allows portal users to share any Media Manager video they can view with a link or cut/paste embed code to display the video in another webpage. This capability is accessed by authenticated users from the “more details” link for any video in the Media Manager portal.

See

https://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v_6_0_4_8_Release_Notes.pdf.

Social Sharing

Social sharing allows users to share a video with a link or embed code to display a portal video in a web page. Authenticated users can access this capability from the **more details** link for any video in the Media Manager portal.



See

http://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v6_0_Admin_Guide.pdf.

109. On information and belief, Polycom directly infringes at least claims 1 and 21 of the '728 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, and offering to sell the Polycom RealPresence Platform.

110. On information and belief, Polycom has been on notice of the '728 patent at least as early as the filing and service of the Complaint in this action.

111. On information and belief, at least since its post-filing knowledge of the '728 patent, Polycom knowingly encourages, and continues to encourage its domestic customers, distributors, resellers, and other partners to directly infringe one or more claims of the '728 patent, including by Polycom's actions that include, without

limitation, instructing and encouraging its domestic customers, distributors, resellers, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform through user guides,²⁸ advertisements,²⁹ promotional materials,³⁰ and instructions.³¹

112. On information and belief, at least since its post-filing knowledge of the '728 patent, Polycom knows that the acts Polycom induced its domestic customers, distributors, resellers, and other partners to take constitute patent infringement and Polycom's encouraging acts result in direct infringement by its domestic customers, distributors, resellers, and other partners.

113. On information and belief, Polycom instructs and continues to instruct its domestic customers, distributors, resellers, and other partners to make, use, sell and/or offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites,³² which provides access to, and support for, using the Polycom RealPresence Platform.

²⁸ See e.g. <https://www.Polycom.com/en/app-help/user/live-stream>.

²⁹ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

³⁰ See e.g. https://www.Polycom.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

³¹ See e.g. <https://www.Polycom.com/en/resources/videos/Polycom-live-stream-overview>.

³² See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

114. On information and belief, Polycom's customers³³ and partners³⁴ directly infringe at least claims 1 and 21 of the '728 patent through their use of the Polycom RealPresence Platform.

115. On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '728 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 21 of the '728 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Polycom's domestic customers, distributors, resellers, and other partners) and possessing specific intent to encourage infringement by Polycom's customers and partners.

116. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

Count III - Infringement of United States Patent No. 10,038,930

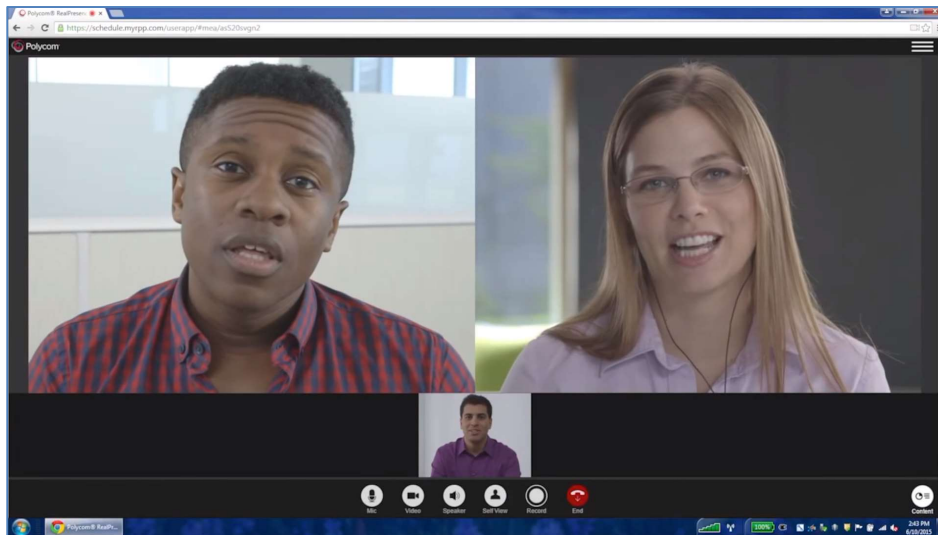
117. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

³³ Polycom's customers, who directly infringe one or more of the claims of the '728 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalerx Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

³⁴ See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

118. The Polycom RealPresence Platform infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '930 patent.

119. On information and belief, the Polycom RealPresence Platform employs and provides a method that transmits via a network a browser-independent recording application from one or more Polycom RealPresence Platform Server Devices to the computers and mobile computing devices used by Polycom's RealPresence Platform users.



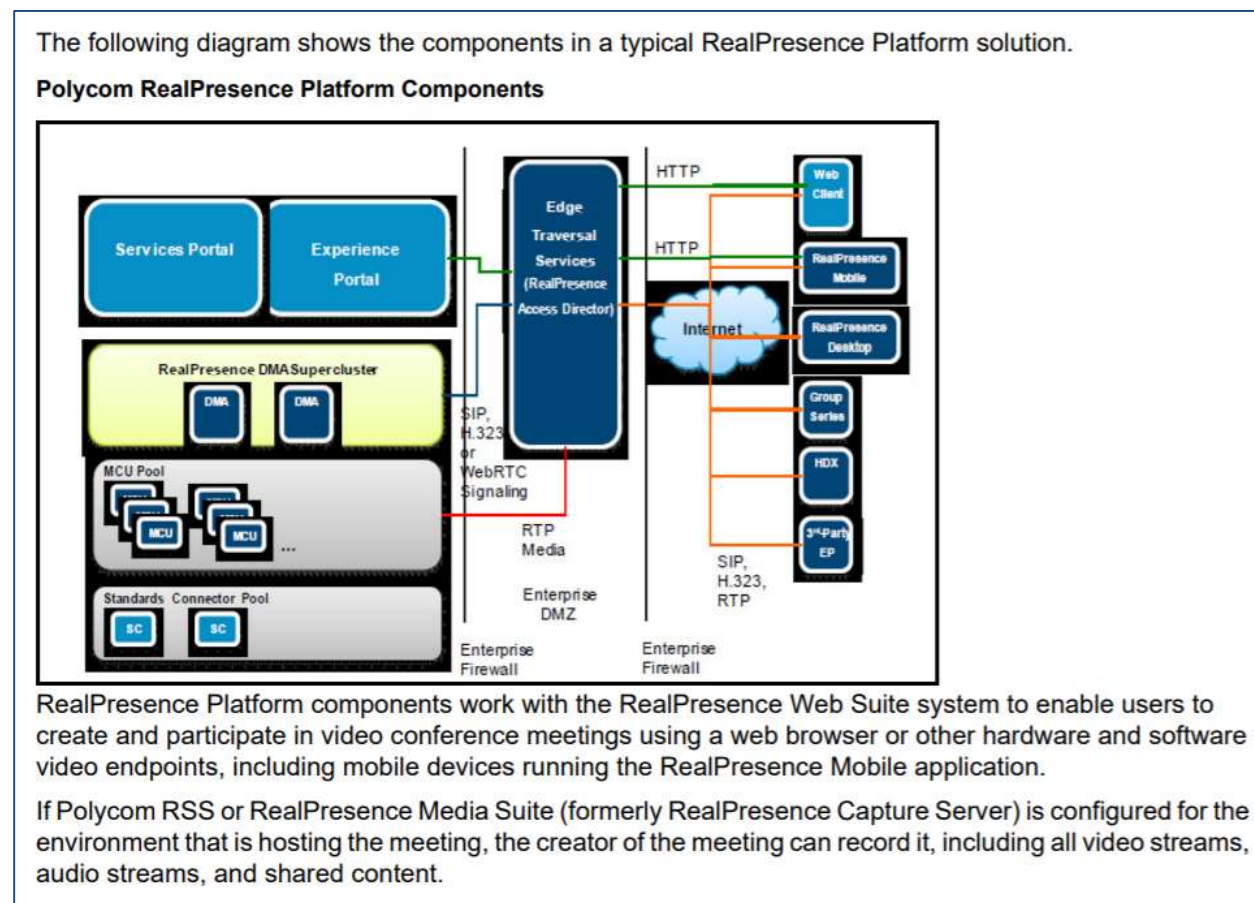
See e.g. https://youtu.be/KXJhrl_vPbQ.

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

120. On information and belief, Polycom RealPresence Platform Server Devices receive a media stream from the computer and mobile computing devices used by Polycom's RealPresence Platform users.

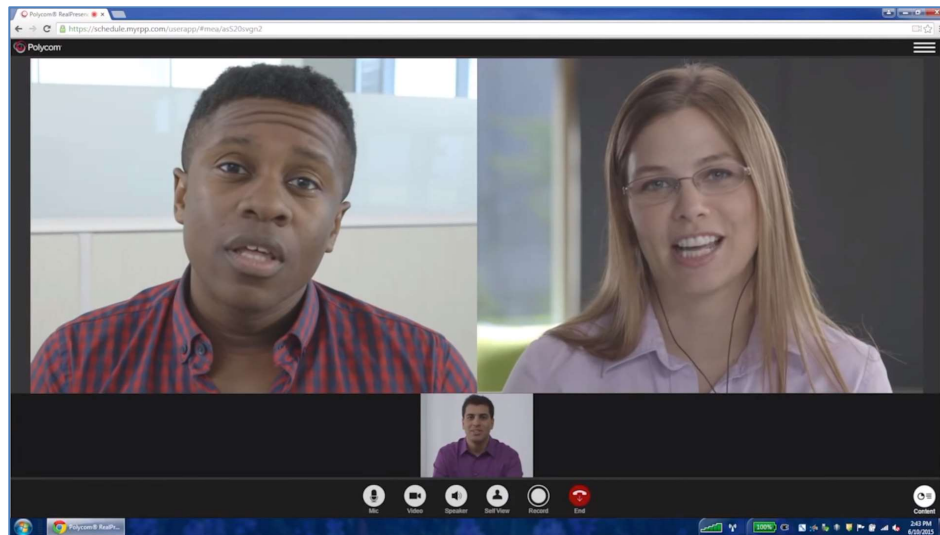


See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

See also

<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-collaboration-server/doc/realpresence-collaboration-server-ds-en.pdf>.

121. On information and belief, the media streams which are transmitted to one or more Polycom RealPresence Platform Server Devices, are captured by the Polycom browser-independent recording applications, which execute in a browser, as demonstrated by the screenshots below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

122. On information and belief, the Polycom RealPresence Platform does not require record management software to be installed on the computer or mobile computing devices used to access the Polycom RealPresence Platform:

Browser requirements

- Internet Explorer 11
- Firefox 31 or later
- Chrome 35 or later
- Chrome on Android 4.1 and later
- Safari 6.1.6 or later (Mac only)
- Safari on iPhone 4s, iPhone 5c, 5s, 6, 6 Plus
- Safari on iOS 8 devices: iPad, iPad Air2

See <https://www.polycom.com/content/dam/polycom/common/documents/data-sheets/polycom-realpresence-web-suite-data-sheet-enus.pdf>.

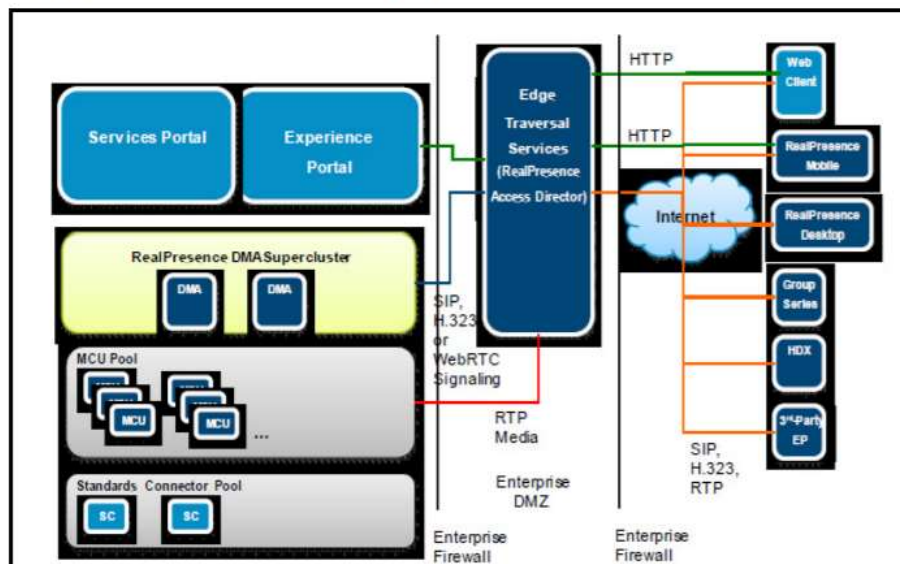
RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

123. On information and belief, the media streams generated by the users of the Polycom RealPresence Platform are recorded on one or more Polycom RealPresence Platform Server Devices, using client software including but not limited to the Polycom RealPresence Web Suite client software,³⁵ which comprises a browser-independent recording application.

³⁵ See

<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-web-suite/doc/realpresence-web-suite-ds-en.pdf>

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

124. On information and belief, Polycom directly infringes at least claims 1 and 11 of the '930 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, and offering to sell the Polycom RealPresence Platform.

125. On information and belief, Polycom has been on notice of the '930 patent at least as early as the filing and service of the Complaint in this action.

126. On information and belief, at least since its post-filing knowledge of the '930 patent, Polycom knowingly encourages, and continues to encourage, its domestic customers, resellers, distributors, and other partners to directly infringe one or more claims of the '930 patent, including by Polycom's actions that include, without limitation, instructing and encouraging its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence

Platform through user guides,³⁶ advertisements³⁷, promotional materials³⁸ and instructions.³⁹

127. On information and belief, at least since its post-filing knowledge of the '930 patent, Polycom knows that the acts Polycom induced its domestic customers, resellers, distributors, and other partners to take constitute patent infringement and Polycom's encouraging acts result in direct infringement by its domestic customers, resellers, distributors, and other partners.

128. On information and belief, Polycom instructs and continues to instruct its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites,⁴⁰ which provides access to, and support for, using the Polycom RealPresence Platform.

³⁶ See e.g. <https://www.Polycom.com/en/app-help/user/live-stream>.

³⁷ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

³⁸ See e.g. https://www.Polycom.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

³⁹ See e.g. <https://www.Polycom.com/en/resources/videos/Polycom-live-stream-overview>.

⁴⁰ See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

129. On information and belief, Polycom's customers⁴¹ and partners⁴² directly infringe at least claims 1 and 11 of the '930 patent through their use of the Polycom RealPresence Platform.

130. On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '930 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 11 of the '930 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Polycom's customers, resellers, distributors, and other partners) and possessing specific intent to encourage infringement by Polycom's customers, resellers, distributors, and other partners. The components of the Polycom RealPresence Platform are specifically configured to function in accordance with the '930 patent claims, are material parts of the invention.

131. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

⁴¹ Polycom's customers, who directly infringe one or more of the claims of the '930 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalerx Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

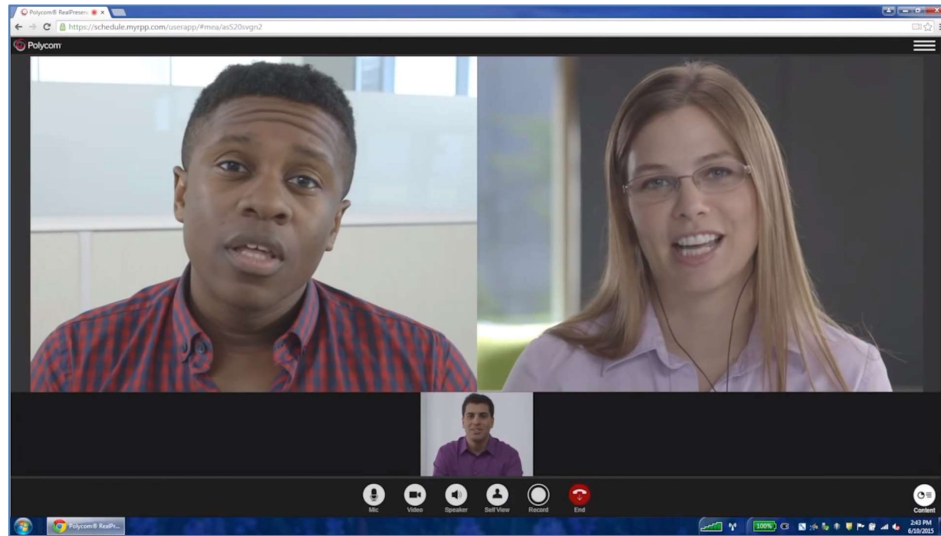
⁴² See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

Count IV - Infringement of United States Patent No. 10,200,648

132. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

133. The Polycom RealPresence Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '648 patent.

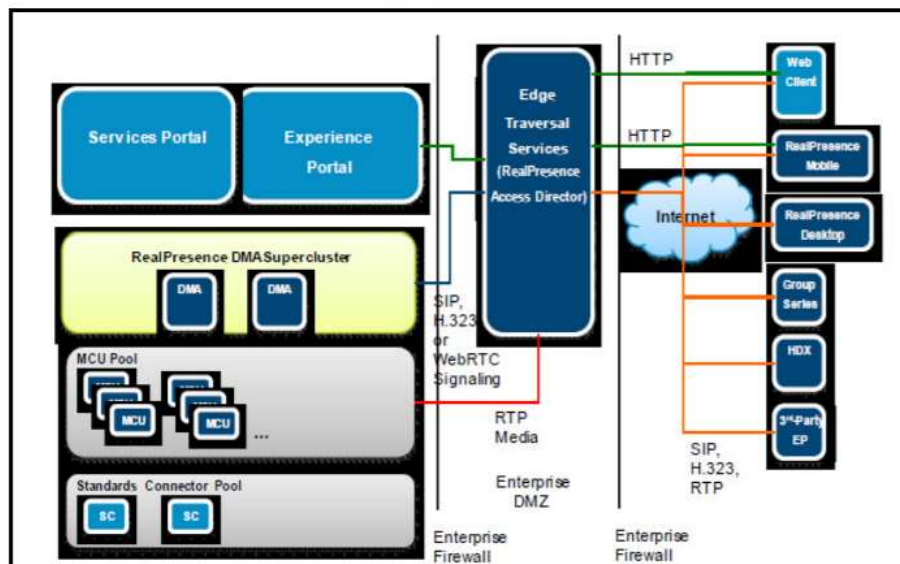
134. On information and belief, the Polycom RealPresence Platform employs and provides an Internet-based recording method that performs all of its audio and video recording functions over an Internet browser connection established between a user front end and a host back end as demonstrated by the images below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

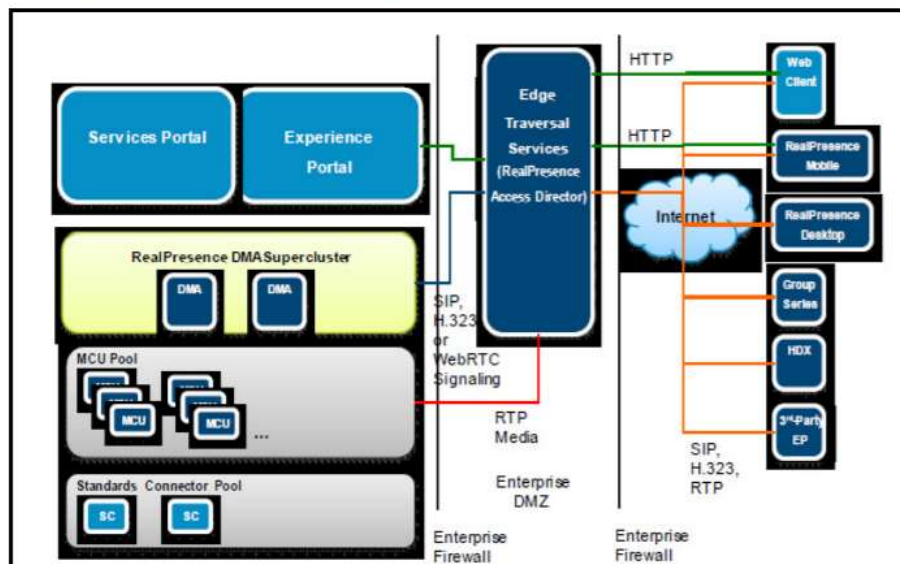
135. On information and belief, the Polycom RealPresence Platform records audio and video material that is created by a user over an internet browser connection, without requiring recording functionality to be present in the user's device.

With a browser and web camera, RealPresence Web Suite makes it easy to extend video collaboration to anyone, anywhere on a PC, tablet, or smartphone. It includes

See <https://www.poly.com/content/dam/www/products/video/clariti/realpresence-web-suite/doc/realpresence-web-suite-ds-en.pdf>.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

136. On information and belief, the Polycom RealPresence Platform stores audio and video material on one or more Polycom RealPresence Platform Server Devices, including but not limited to a RealPresence Media Suite Video Recording Room⁴³ server.

137. On information and belief, the Polycom RealPresence Platform generates one or more codes, including without limitation codes comprising a unique alpha-

⁴³ See https://documents.polycom.com/bundle/rpgs-ag-6-1-5/page/r_rpgs_ag_recording_calls_remotely.html.

numeric string, including but not limited to URL and HTML codes, associated with the recorded and stored audio and video material, to facilitate accessing the recorded and stored audio and video material.

Get the Media Embed Code

You can get the media embed code.

PROCEDURE

1. When the video is playing in the RealPresence Media Suite Player, click **Get Link** at the bottom of the player.
2. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

Get the Archive Embed Code

You can get the archive embed code.

Procedure

1. Go to **My Media Center > Admin > Content**.
2. Click **Archives** under the **Content** section.
All archives on the server are displayed under the **All** tab.
3. Select the checkbox of the archive to which you want to upload an attachment, and select **...** > **Get Link**.
4. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

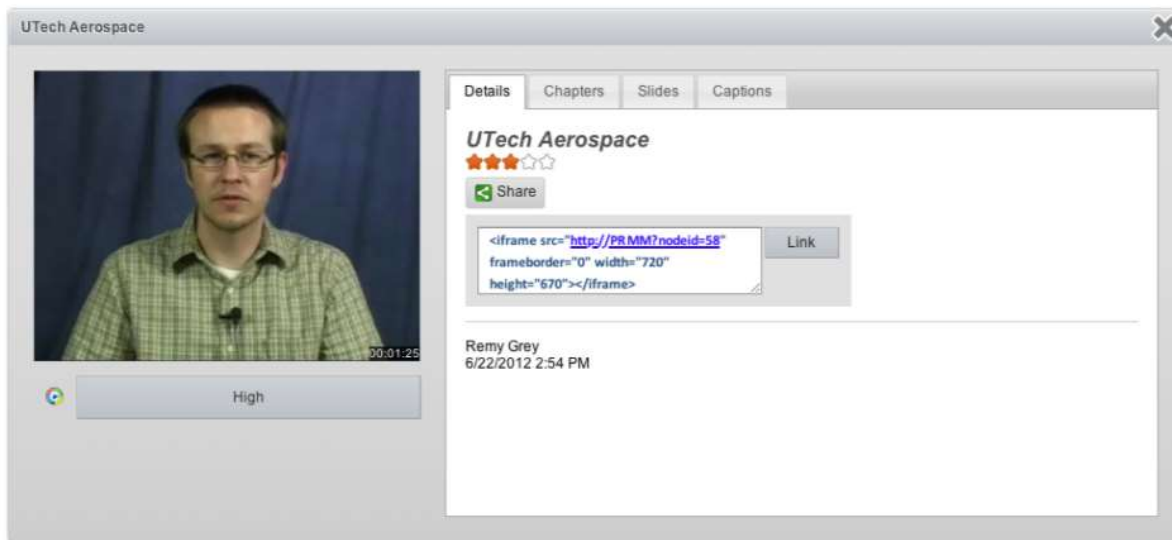
You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

See e.g. <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/video-content-management-solutions/realpresence-media-suite/downloads/previous-versions/archived-documents/en/rp-ms-ug-2-8.pdf>.

Social Sharing

Social sharing allows users to share a video with a link or embed code to display a portal video in a web page. Authenticated users can access this capability from the **more details** link for any video in the Media Manager portal.



See

http://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v6_0_Admin_Guide.pdf.

138. On information and belief, the Polycom RealPresence Platform enables the copying and pasting of code, including without limitation codes comprising a unique alpha-numeric string, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations as demonstrated by the images below.

Get the Media Embed Code

You can get the media embed code.

PROCEDURE

1. When the video is playing in the RealPresence Media Suite Player, click **Get Link** at the bottom of the player.
2. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

Get the Archive Embed Code

You can get the archive embed code.

Procedure

1. Go to **My Media Center > Admin > Content**.
2. Click **Archives** under the **Content** section.
All archives on the server are displayed under the **All** tab.
3. Select the checkbox of the archive to which you want to upload an attachment, and select **... > Get Link**.
4. Click the **Embed** tab, and the video URL displays in embed code format, which can be used to embed the player in a third-party web page.

You can set the following three parameters for embed video:

- **Video size:** set the embedded video size.
- **Auto play after page loaded:** enable this check box to have the video play automatically after the page loaded.
- **Show player control bar:** enable this check box to have the video control bar show up on the embedded video.

See e.g. <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/video-content-management-solutions/realpresence-media-suite/downloads/previous-versions/archived-documents/en/rp-ms-ug-2-8.pdf>.

Media Manager v6 Social Sharing

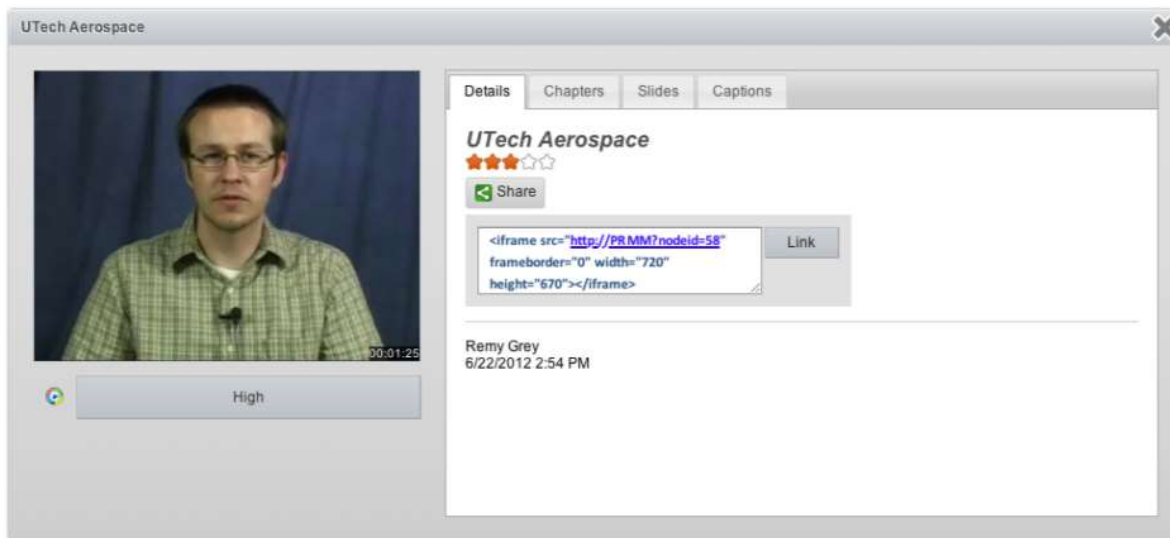
The new **Social Sharing** feature allows portal users to share any Media Manager video they can view with a link or cut/paste embed code to display the video in another webpage. This capability is accessed by authenticated users from the “more details” link for any video in the Media Manager portal.

See

https://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v_6_0_4_8_Release_Notes.pdf.

Social Sharing

Social sharing allows users to share a video with a link or embed code to display a portal video in a web page. Authenticated users can access this capability from the **more details** link for any video in the Media Manager portal.



See

http://downloads.polycom.com/network/Media_Manager/RealPresence_Media_Manager_v6_0_Admin_Guide.pdf.

139. On information and belief, Polycom directly infringes at least claims 1 and 18 of the '648 patent and is in violation of 35 U.S.C. § 271(a) by making, using, selling, and offering to sell the Polycom RealPresence Platform.

140. On information and belief, Polycom has been on notice of the '648 patent at least as early as the filing and service of the Complaint in this action.

141. On information and belief, at least since its post-filing knowledge of the '648 patent, Polycom knowingly encourages, and continues to encourage its domestic customers, resellers, distributors, and other partners to directly infringe one or more claims of the '648 patent, including by Polycom's actions that include, without

limitation, instructing and encouraging its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform through user guides,⁴⁴ advertisements⁴⁵, promotional materials⁴⁶ and instructions.⁴⁷

142. On information and belief, at least since its post-filing knowledge of the '648 patent, Polycom knows that the acts Polycom its domestic customers, resellers, distributors, and other partners to take constitute patent infringement and Polycom's encouraging acts result in direct infringement by its domestic customers, resellers, distributors, and other partners.

143. On information and belief, Polycom instructs and continues to instruct its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites,⁴⁸ which provide access to, and support for, using the Polycom RealPresence Platform.

⁴⁴ See e.g. <https://www.Polycom.com/en/app-help/user/live-stream>.

⁴⁵ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

⁴⁶ See e.g. https://www.Polycom.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

⁴⁷ See e.g. <https://www.Polycom.com/en/resources/videos/Polycom-live-stream-overview>.

⁴⁸ See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

144. On information and belief, Polycom's domestic customers⁴⁹ and partners⁵⁰ directly infringe at least claims 1 and 18 of the '648 patent through their making, use, sales, and/or offers for sale of the Polycom RealPresence Platform.

145. On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '648 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 18 of the '648 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Polycom's domestic customers, resellers, distributors, and other partners) and possessing specific intent to encourage infringement by Polycom's domestic customers and partners.

146. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

Count V – Infringement of United States Patent No. 10,674,109

147. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

⁴⁹ Polycom's customers, who directly infringe one or more of the claims of the '648 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalerx Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

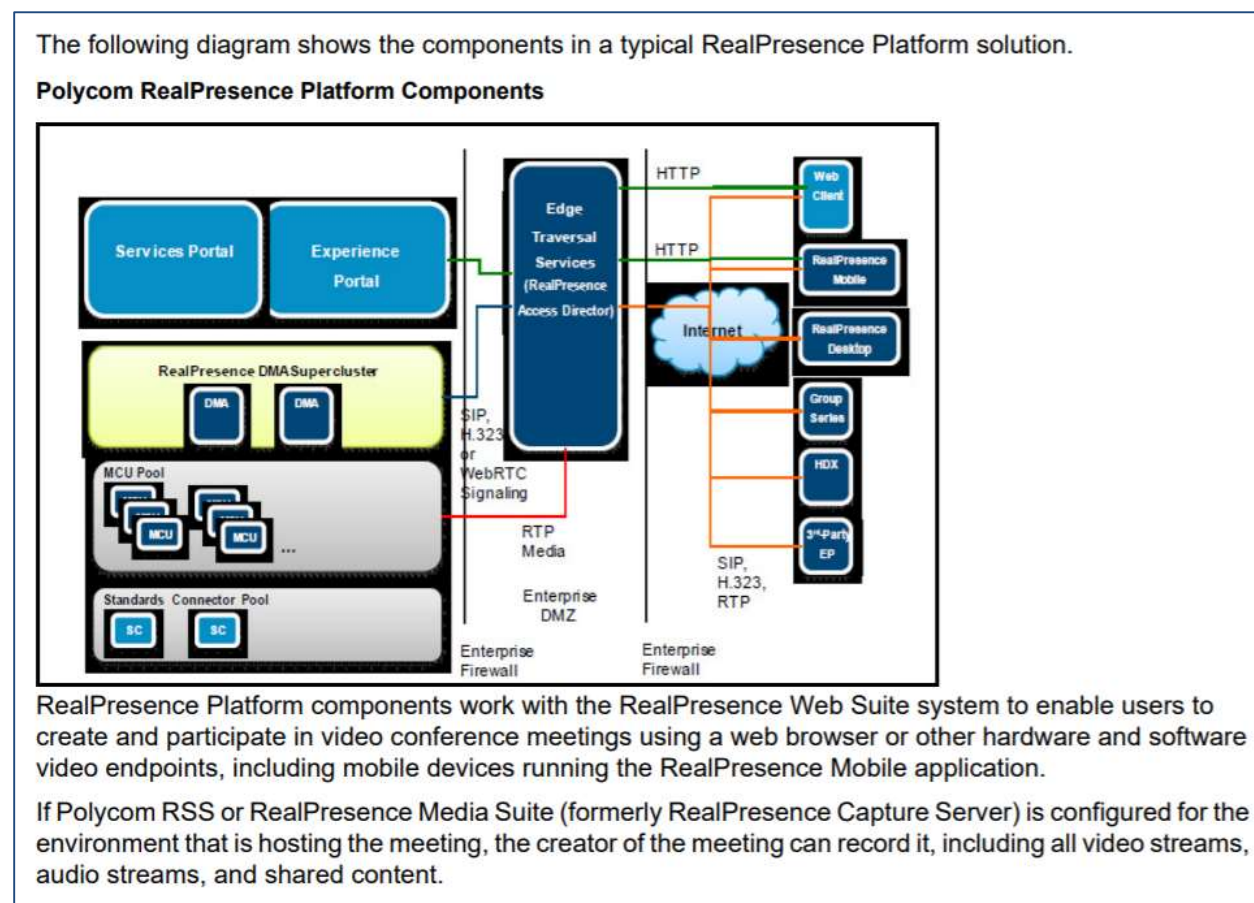
⁵⁰ See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

148. The Polycom RealPresence Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 2 of the '109 patent.

149. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device, including without limitation components of the Polycom RealPresence Platform such as the Poly Studio X50, Poly Studio X30, Poly Studio, Videoprotect 500, RealPresence Immersive Studio, RealPresence Immersive Studio Flex, CX5500, Group 700, Group 500, Group 310, EagleEye Mini, EagleEye IV, EagleEye IV USB, EagleEye Cube, EagleEye Director, EagleEye Producer, computers and mobile devices running Polycom video conferencing web client software, computers and other devices running Polycom video conferencing desktop client software, mobile computing devices and other devices running Polycom video conferencing mobile client software, and any other components of the Polycom RealPresence Platform that have the capability of acting as a videoconferencing endpoint, (referred to herein as "Polycom RealPresence Platform Endpoint Devices"), and a host back end server system, including but not limited to one or more Polycom RealPresence Platform Server Devices.

150. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device and a host back end server system, which comprises one or more

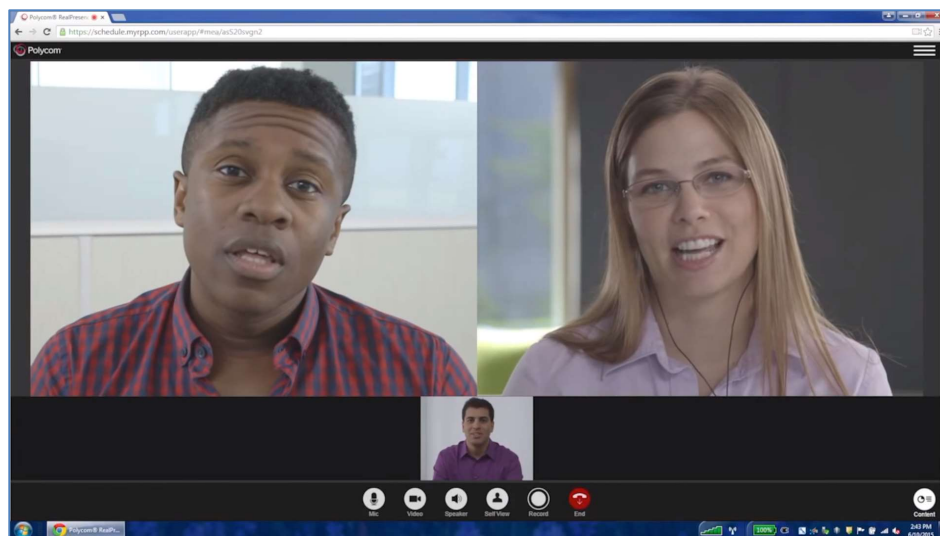
Polycom RealPresence Platform Endpoint Devices configured to stream audio and video material over an Internet network connection to one or more Polycom RealPresence Platform Server Devices, which comprise Polycom's host back end server system, as is demonstrated by the following image:



See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

151. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device and a host back end server system, which comprises one or more

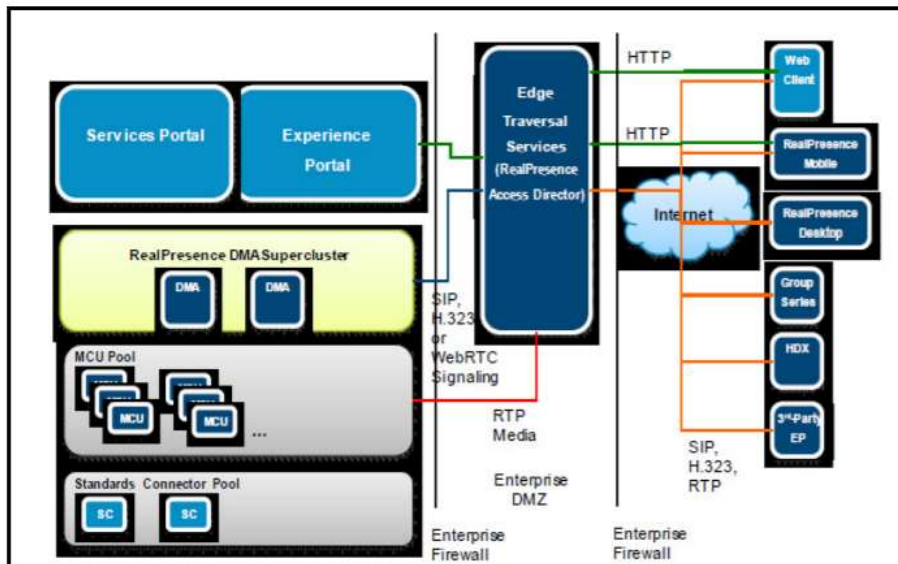
Polycom RealPresence Platform Endpoint Devices configured to stream audio and video material over an Internet network connection as the audio and video material is being captured by the one or more Polycom RealPresence Platform Endpoint Devices as demonstrated by the images and linked video below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components

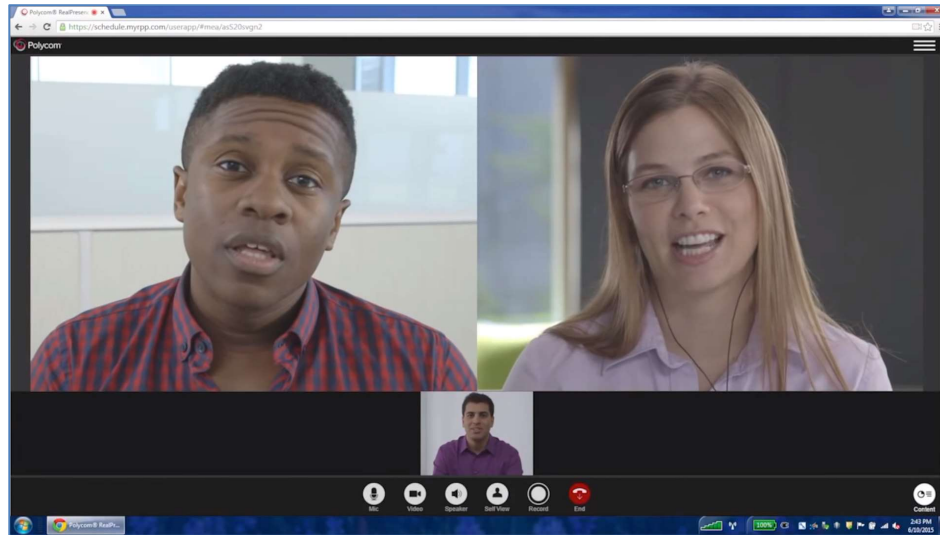


RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

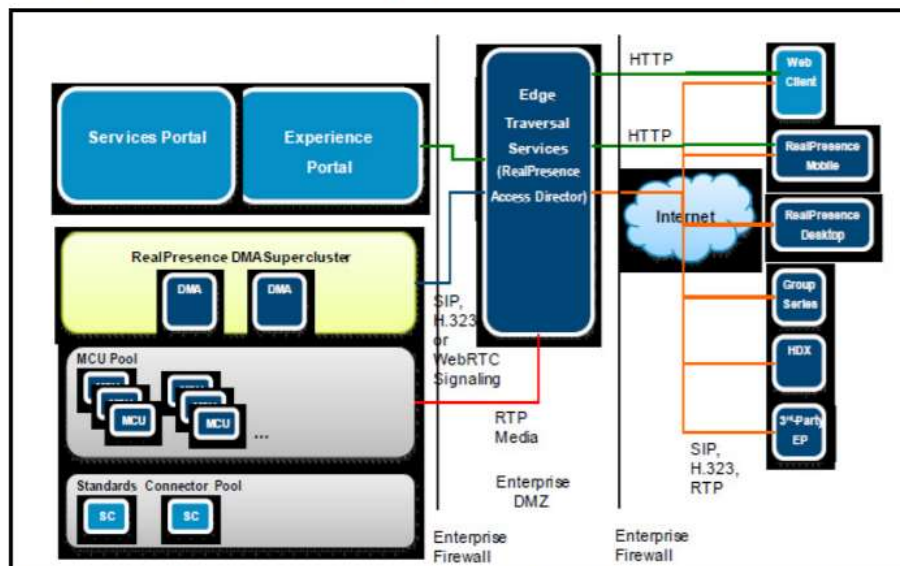
152. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device and a host back end server system, which comprises a system wherein the audio and video material is captured on the one or more Polycom RealPresence Platform Endpoint Devices without using recording software installed on the one or more Polycom RealPresence Platform Endpoint Devices as is demonstrated by the images and linked video below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

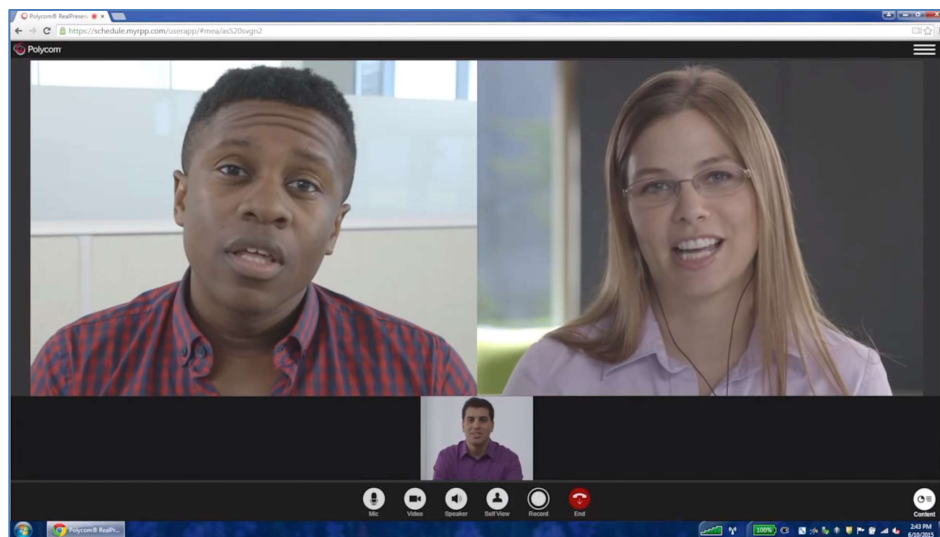
See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

With a browser and web camera, RealPresence Web Suite makes it easy to extend video collaboration to anyone, anywhere on a PC, tablet, or smartphone. It includes

See

<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-web-suite/doc/realpresence-web-suite-ds-en.pdf>.

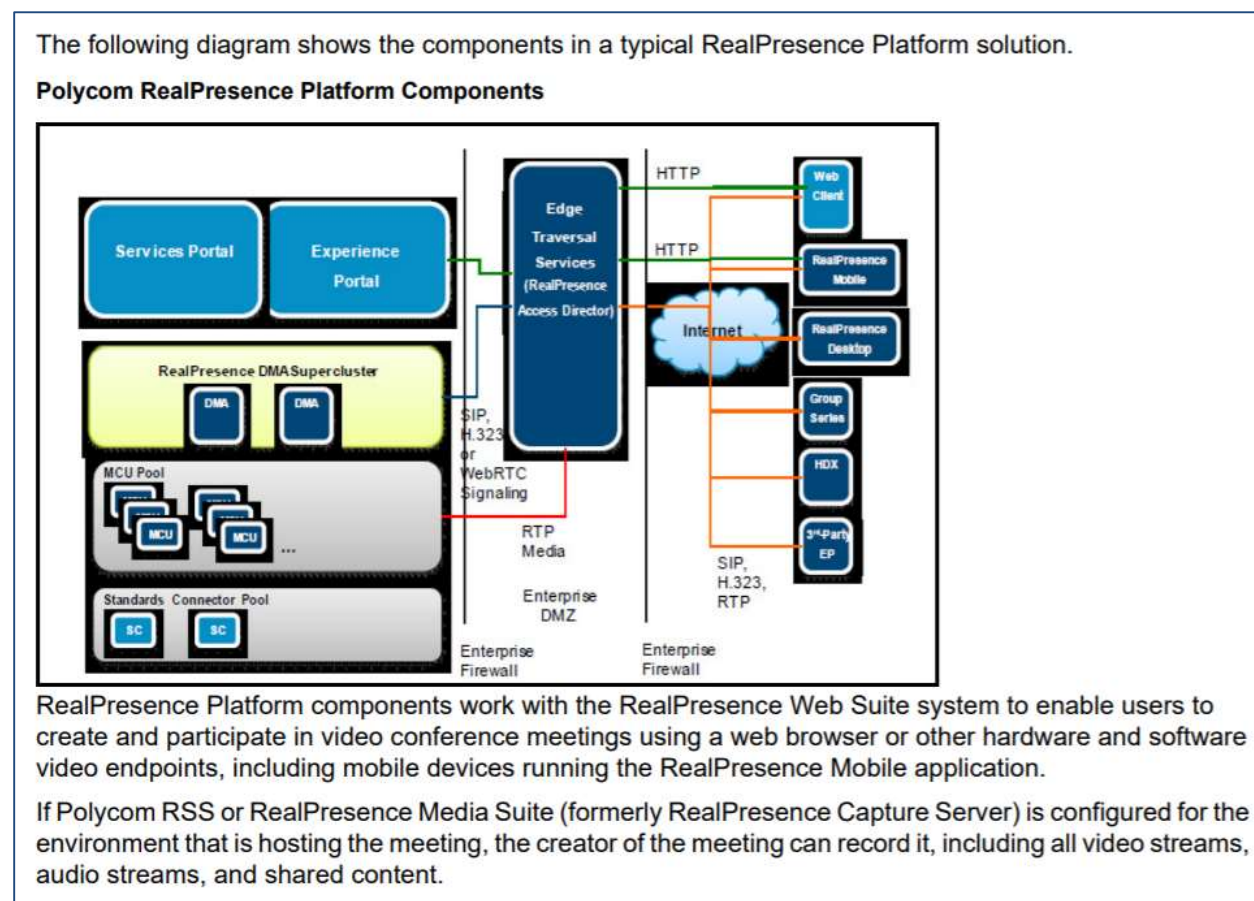
153. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device and a host back end server system, wherein the audio and video material is not stored as a complete file on the one or more Polycom RealPresence Platform Endpoint Devices prior to being streamed to the one or more Polycom RealPresence Platform Server Devices comprising the Polycom host back end server system as is demonstrated by the image and linked video below:



See e.g. https://youtu.be/KXJhrl_vPbQ.

154. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material

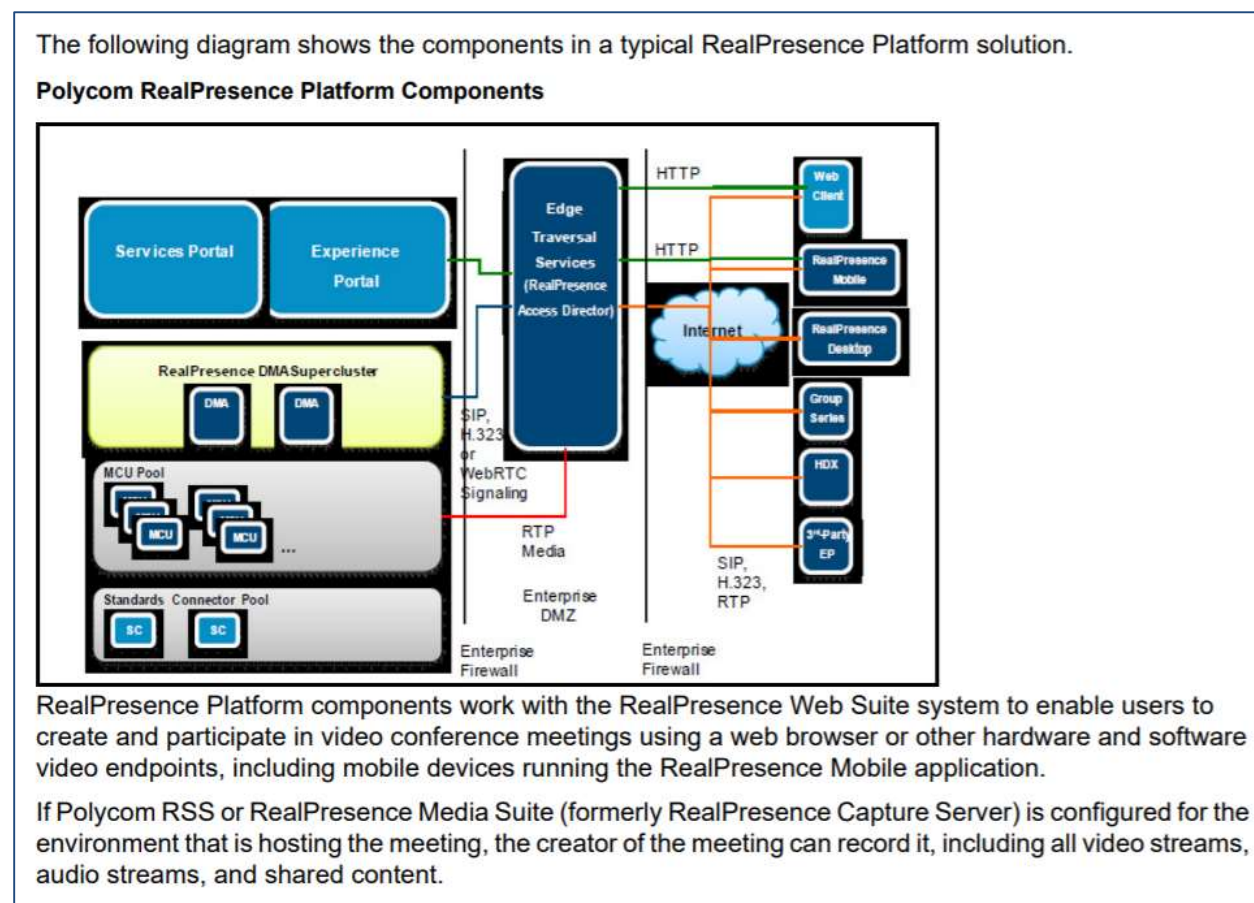
over an Internet network connection established between a front end audio and video capturing device and a host back end server system, which comprises a host back end server system comprised of one or more Polycom RealPresence Platform Server Devices as demonstrated by the image below:



See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

155. On information and belief, the Polycom RealPresence Platform is a distributed audio and video recording system for recording audio and video material over an Internet network connection established between a front end audio and video capturing device and a host back end server system, wherein at least one Polycom

RealPresence Platform Server Device records audio and video material streamed from one or more Polycom RealPresence Platform Endpoint Devices to said host back end server system over the Internet network connection as is demonstrated by the image below:



See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

156. On information and belief, Polycom directly infringes at least claims 1, 2, and 26 of the '109 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, and offering for sale the Polycom RealPresence Platform.

157. On information and belief, Polycom has been on notice of the '109 patent at least as early as the filing and service of the Complaint in this action.

158. On information and belief, at least since its post-filing knowledge of the '109 patent, Polycom knowingly encourages, and continues to encourage its domestic customers, resellers, distributors, and other partners to directly infringe one or more claims of the '109 patent, including by Polycom's actions that include, without limitation, instructing and encouraging its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform through user guides,⁵¹ advertisements,⁵² promotional materials,⁵³ and instructions.⁵⁴

159. On information and belief, at least since its post-filing knowledge of the '109 patent, Polycom knows that the acts Polycom induced its domestic customers, resellers, distributors, and other partners to take constitute patent infringement and Polycom's encouraging acts result in direct infringement by its domestic customers, resellers, distributors, and other partners.

⁵¹ See e.g. <https://www.Polycom.com/en/app-help/user/live-stream>.

⁵² See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

⁵³ See e.g. https://www.Polycom.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

⁵⁴ See e.g. <https://www.Polycom.com/en/resources/videos/Polycom-live-stream-overview>.

160. On information and belief, Polycom instructs and continues to instruct its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites,⁵⁵ which provide access to, and support for, using the Polycom RealPresence Platform.

161. On information and belief, Polycom's domestic customers⁵⁶ and partners⁵⁷ directly infringe at least claims 1, 2 and 26 of the '109 patent through their making, use, sales, and offers for sale of the Polycom RealPresence Platform.

162. On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '109 patent, indirectly infringing and continues to indirectly infringe at least claims 1, 2, and 26 of the '109 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Polycom's domestic customers, resellers, distributors, and other partners) and possessing specific intent to encourage infringement by Polycom's domestic customers, resellers, distributors, and other partners.

⁵⁵ See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

⁵⁶ Polycom's customers, who directly infringe one or more of the claims of the '109 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalerx Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

⁵⁷ See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

163. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

Count VI - Infringement of United States Patent No. 10,694,142

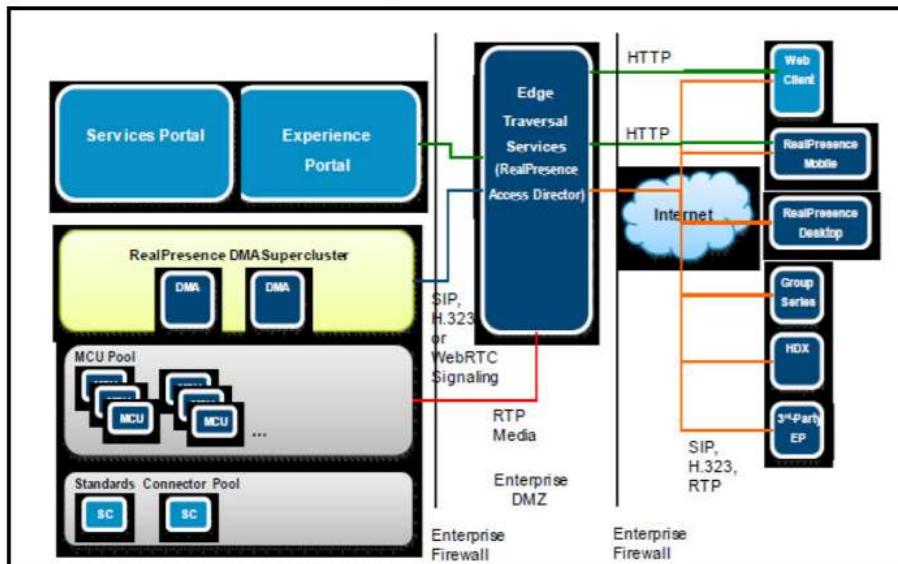
164. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

165. The Polycom RealPresence Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 20 of the '142 patent.

166. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end as demonstrated by the image below:

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

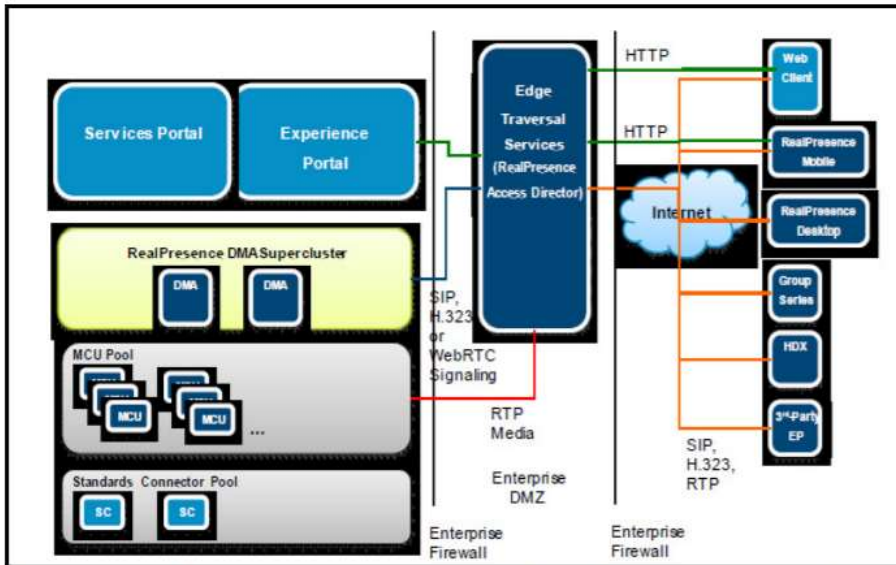
If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

167. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end comprising one or more servers at the host back end, including but not limited to one or more Polycom RealPresence Platform Server Devices as demonstrated by the image below:

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

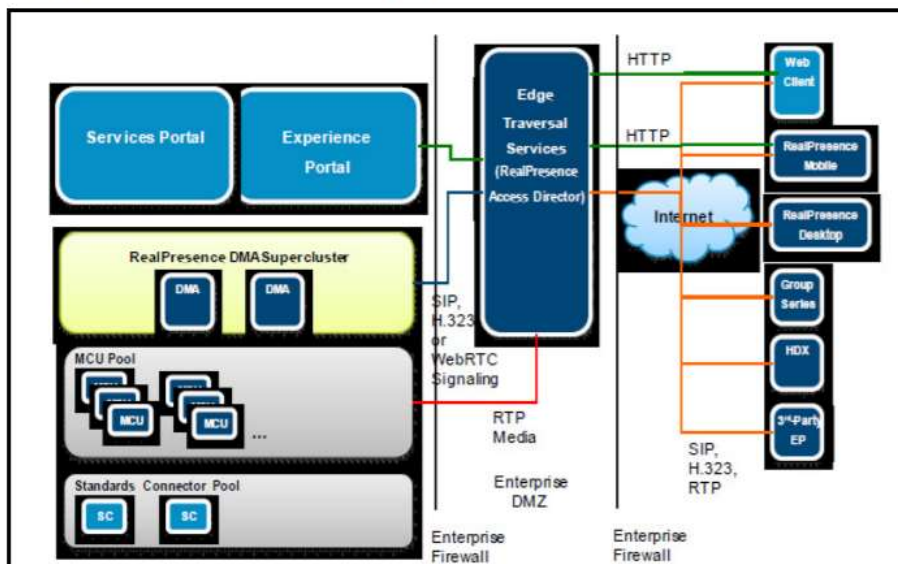
If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>

168. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end comprising one or more Polycom RealPresence Platform Server Devices, wherein one or more Polycom RealPresence Platform Server Devices is configured to deliver, in response to a front end user interaction, a first code from the host back end to the user front end over an Internet connection each time recording of audio and video material is sought to be initiated as demonstrated by the images below:

The following diagram shows the components in a typical RealPresence Platform solution.

Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

With a browser and web camera, RealPresence Web Suite makes it easy to extend video collaboration to anyone, anywhere on a PC, tablet, or smartphone. It includes

See

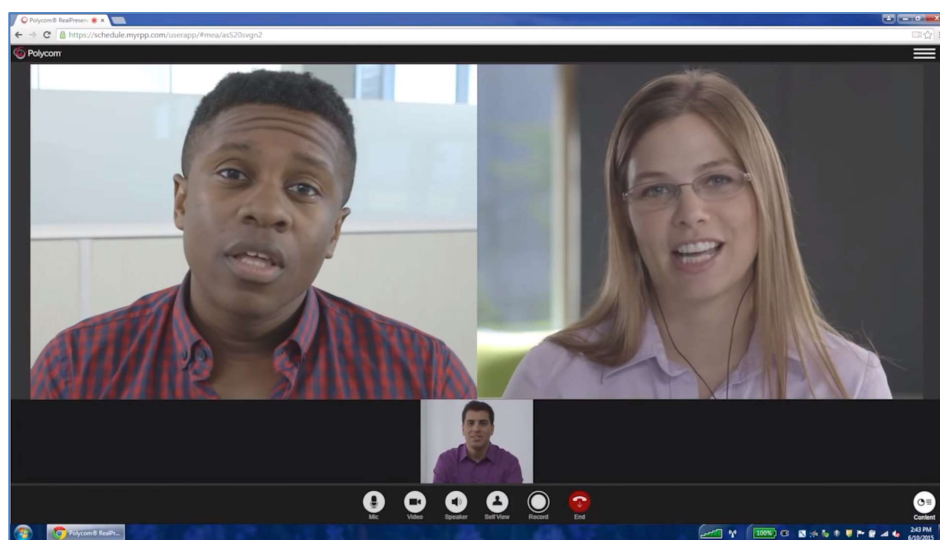
<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-web-suite/doc/realpresence-web-suite-ds-en.pdf>.

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

169. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end comprising one or more Polycom RealPresence Platform Server Devices, wherein said first code is configured to initiate the streaming of audio and video material as it is being captured by one or more capturing devices at the user front end to the host back end, and wherein said first code is not installed at the user front end as is demonstrated by the images below:



See e.g. https://youtu.be/KXJhrI_vPbQ.

RealPresence Web Suite Client

Users connect to a RealPresence Web Suite conference using their web browser as the client application. For non-WebRTC conferences and browsers, RealPresence Web Suite offers to download Polycom's MFW plugin that enables Session Initiation Protocol (SIP). If RealPresence Web Suite has the Pro license and the other requirements for supporting WebRTC are met, a WebRTC-capable browser can use WebRTC to initiate or join a conference. The Experience Portal provides the Javascript and HTML5 that establishes the RTC session. No plugin is needed.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rp-websuite-ag-2-0.pdf>.

With a browser and web camera, RealPresence Web Suite makes it easy to extend video collaboration to anyone, anywhere on a PC, tablet, or smartphone. It includes

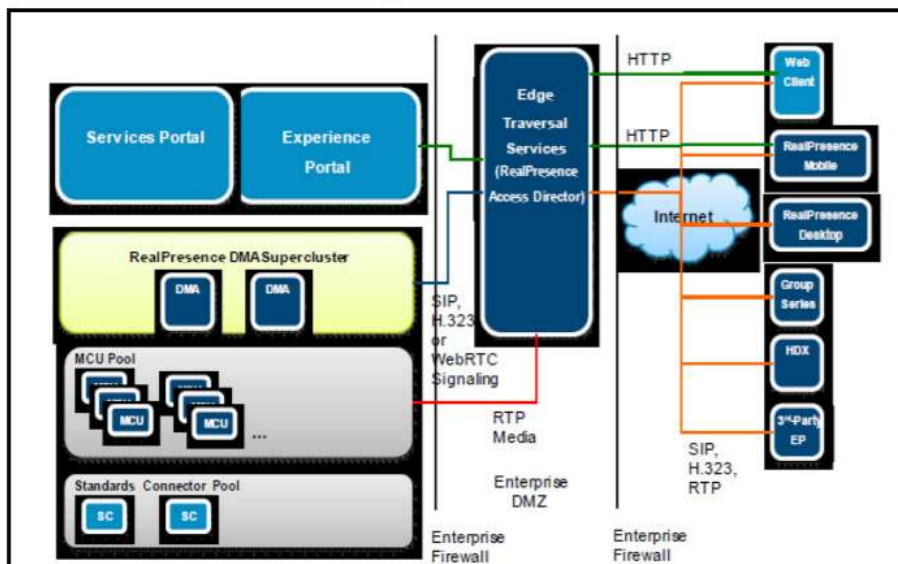
See

<https://www.poly.com/content/dam/www/products/video/clariti/realpresence-web-suite/doc/realpresence-web-suite-ds-en.pdf>.

170. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end, wherein at least one of the Polycom RealPresence Platform Server Devices is configured to receive streaming audio and video material, as it is being captured by said one or more capturing devices, from the user front end to the host back end as is demonstrated by the image below:

The following diagram shows the components in a typical RealPresence Platform solution.

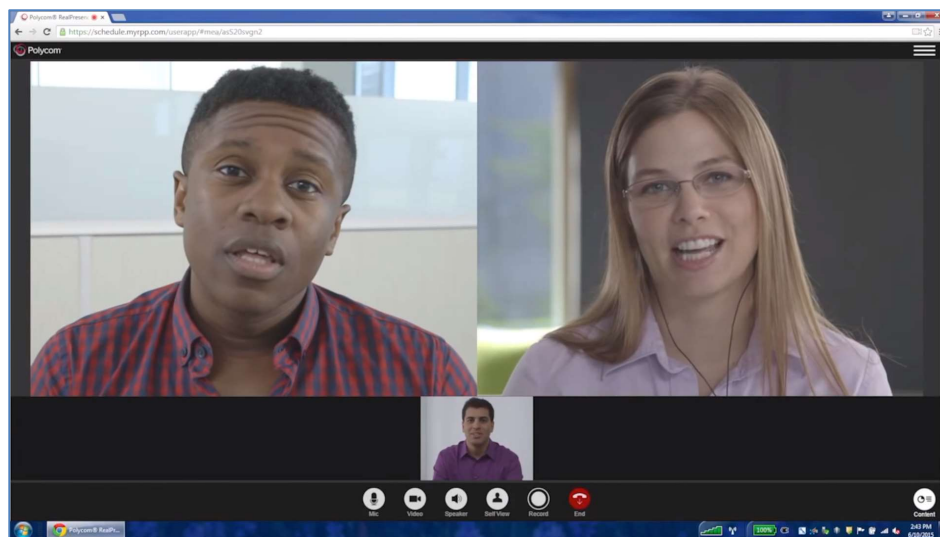
Polycom RealPresence Platform Components



RealPresence Platform components work with the RealPresence Web Suite system to enable users to create and participate in video conference meetings using a web browser or other hardware and software video endpoints, including mobile devices running the RealPresence Mobile application.

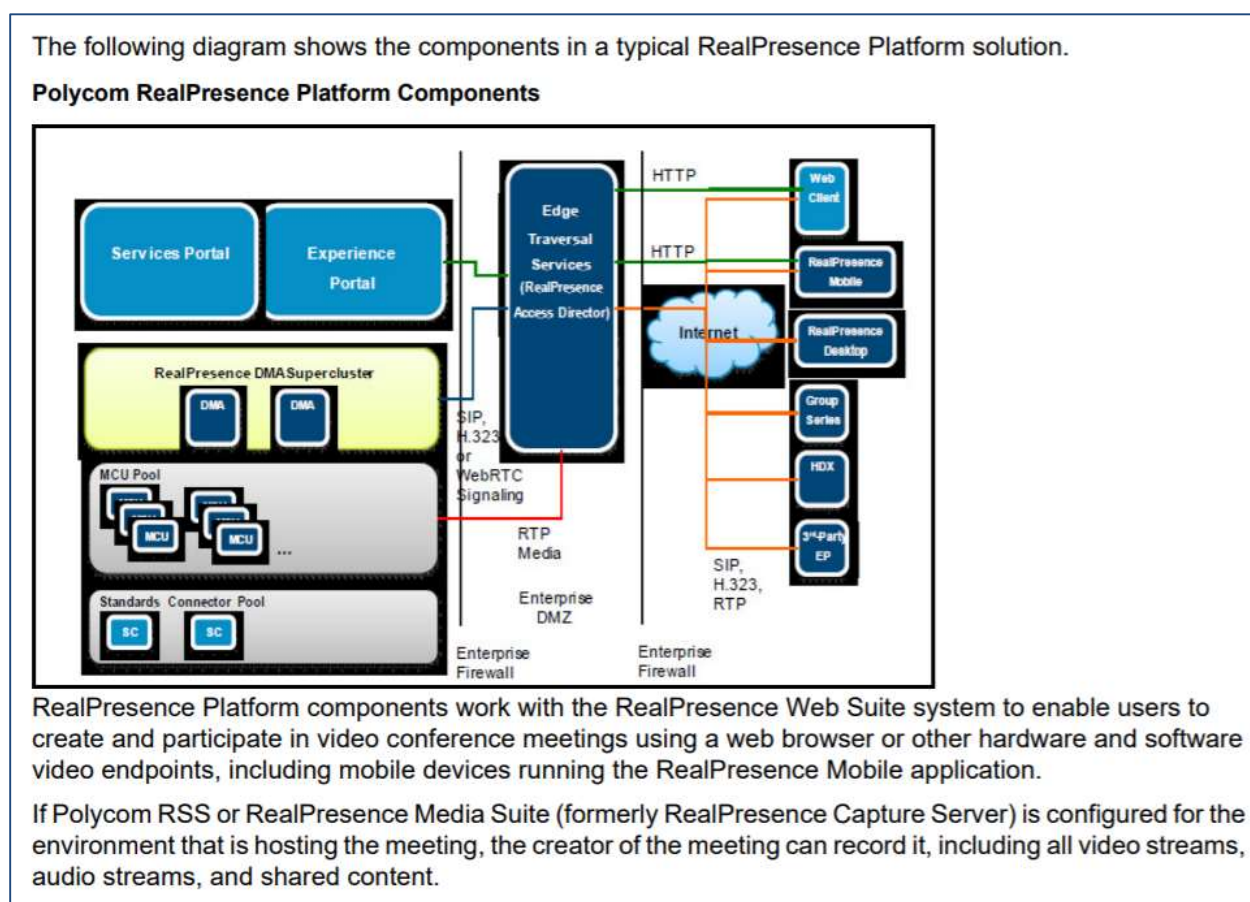
If Polycom RSS or RealPresence Media Suite (formerly RealPresence Capture Server) is configured for the environment that is hosting the meeting, the creator of the meeting can record it, including all video streams, audio streams, and shared content.

See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>



See e.g. https://youtu.be/KXJhrl_vPbQ.

171. On information and belief, the Polycom RealPresence Platform is a system for recording audio and video material over an Internet connection established between a user front end and a host back end wherein at least one the Polycom RealPresence Platform Server Devices is configured to record audio and video material streamed to the host back end over the Internet connection, as is demonstrated by the image below:



See <https://support.polycom.com/content/dam/polycom-support/products/uc-infrastructure-support/cloudaxis-suite/user/en/rpwebsuite-ag-2-1-0-may-2016.pdf>.

172. On information and belief, Polycom directly infringes at least claims 1 and 20 of the '142 patent, and is in violation of 35 U.S.C. § 271(a) by making, using, selling, and offering to sell the Polycom RealPresence Platform.

173. On information and belief, Polycom has been on notice of the '142 patent at least as early as the filing and service of the Complaint in this action.

174. On information and belief, at least since its post-filing knowledge of the '142 patent, Polycom knowingly encourages, and continues to encourage its domestic customers, resellers, distributors, and other partners to directly infringe one or more claims of the '142 patent, including by Polycom's actions that include, without limitation, instructing and encouraging its domestic customers, resellers, distributors, and other partners to make, use, sell, and/or offer to sell the Polycom RealPresence Platform through user guides,⁵⁸ advertisements⁵⁹, promotional materials⁶⁰ and instructions.⁶¹

175. On information and belief, at least since its post-filing knowledge of the '142 patent, Polycom knows that the acts Polycom induced its domestic customers, resellers, distributors, and other partners to take constitute patent infringement and

⁵⁸ See e.g. <https://www.Polycom.com/en/app-help/user/live-stream>.

⁵⁹ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

⁶⁰ See e.g. https://www.Polycom.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

⁶¹ See e.g. <https://www.Polycom.com/en/resources/videos/Polycom-live-stream-overview>.

Polycom's encouraging acts result in direct infringement by its domestic customers, resellers, distributors, and other partners.

176. On information and belief, Polycom instructs and continues to instruct its domestic customers, resellers, distributors, and other partners to make, use, sell, and offer to sell the Polycom RealPresence Platform including, without limitation, through Polycom's websites,⁶² which provide access to, and support for, using the Polycom RealPresence Platform.

177. On information and belief, Polycom's domestic customers⁶³ and partners⁶⁴ directly infringe at least claims 1 and 20 of the '142 patent through their making, use, sales, and offers for sale of the Polycom RealPresence Platform.

On information and belief, Polycom is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '142 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 20 of the '142 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Polycom's domestic customers, resellers, distributors, and other partners)

⁶² See <https://www.polycom.com/>; <https://www.poly.com/us/en>; <https://www.plantronics.com/us/en>.

⁶³ Polycom's customers, who directly infringe one or more of the claims of the '142 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. HomeAway, Inc. & eCalex Services Limited), as well as one or more of the following domestic Polycom customers listed at <https://www.polycom.com/customers.html>.

⁶⁴ See <https://partners.poly.com/English/directory/search?f0=Countries+Served&f0v0=United+States+of+America>

and possessing specific intent to encourage infringement by Polycom's domestic customers, resellers, distributors, and other partners.

178. Polycom's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Polycom's infringement.

JURY DEMANDED

179. Pursuant to Federal Rule of Civil Procedure 38(b), Onstream hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Onstream respectfully requests this Court to enter judgment in Onstream's favor and against Polycom as follows:

- a. finding that Polycom has infringed one or more claims of the '068 patent under 35 U.S.C. § 271(a) and/or (b);
- b. finding that Polycom has infringed one or more claims of the '728 patent under 35 U.S.C. § 271(a) and/or (b);
- c. finding that Polycom has infringed one or more claims of the '930 patent under 35 U.S.C. § 271(a) and/or (b);
- d. finding that Polycom has infringed one or more claims of the '648 patent under 35 U.S.C. § 271(a) and/or (b);
- e. finding that Polycom has infringed one or more claims of the '109 patent under 35 U.S.C. § 271(a) and/or (b);

- f. finding that Polycom has infringed one or more claims of the '142 patent under 35 U.S.C. § 271(a) and/or (b);
- g. awarding Onstream damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- h. awarding Onstream pre-judgment and post-judgment interest on the damages award and costs;
- i. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and
- j. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: August 14, 2020

Respectfully submitted,

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